

ORIGINAL

Decision No. 57363

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into )  
 the rates, rules and regulations, charges, )  
 allowances and practices of all common )  
 carriers, highway carriers and city car- )  
 riers relating to the transportation of )  
 any and all commodities between and )  
 within all points and places in the State )  
 of California (including, but not limited )  
 to, transportation for which rates are )  
 provided in Minimum Rate Tariff No. 2).

Case No. 5432  
 Petition for Modification  
 No. 115

Charles C. Canlas, applicant.

Walter Eastham, for the Commission staff.

O P I N I O N

Charles C. Canlas, doing business as Peninsula Delivery & Transport Co., holds permits as a radial highway common carrier and as a city carrier. By petition filed July 30, 1958, he seeks to be exempted from the minimum rates, rules and regulations established in Minimum Rate Tariff No. 2.

Public hearing was held on the petition August 17, 1958, at San Francisco before Examiner J. E. Thompson.

From the evidence of record, we find the following facts:

1. That one Earnest E. Delaplane, doing business as Peninsula Delivery & Transport Co., was engaged in providing a parcel delivery service within a radius of 30 miles of San Mateo, with one Ford station wagon and one Ford panel truck.
2. That Earnest Delaplane was granted exemption from the minimum rates in conducting such service by Decision No. 56448, dated April 1, 1958.
3. That at Earnest Delaplane's request his permits were suspended by the Commission until July 24, 1959.
4. That Charles C. Canlas has acquired the business of Peninsula Delivery & Transport Co. from Earnest Delaplane,

including one Ford station wagon and one Ford panel truck operated by Delaplane.

5. That effective August 20, 1958, Charles C. Canlas has been granted permits to operate as a radial highway common carrier for the transportation of packages weighing less than 100 pounds within a 30 mile radius of San Mateo and as a city carrier within certain specified cities in San Mateo County.<sup>1</sup>

6. That the operation to be conducted by Canlas is a continuation of the parcel delivery service operation conducted by Delaplane.

Upon consideration of all of the facts and circumstances of record, the Commission is of the opinion and finds that petitioner should be exempted from the minimum rates to the same extent as was authorized to Delaplane in order to continue the operation of Peninsula Delivery & Transport Co. The exemption granted in Decision No. 56448 was restricted to the transportation of drug supplies, auto parts, bakery supplies, photographic films and prints, and radio and electronic parts and equipment in shipments of 100 pounds or less, between points within a 30 mile radius of the City of San Mateo. Petitioner has not shown that an exemption in excess of that authorized in the aforesaid decision is justified.

In order to allow petitioner to continue the parcel delivery operation without delay, the order herein will be made effective the date hereof.

O R D E R

Based on the evidence of record and on the findings and conclusions set forth in the preceding opinion,

IT IS ORDERED that Decision No. 52199, in Case No. 5432, as amended, be and it is further amended by adding to the list of

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<sup>1</sup>

At the time of the hearing, petitioner's applications for permits were on file with the Commission and were being processed.

carriers in Appendix B thereof, Charles C. Canlas, doing business as Peninsula Delivery & Transport Co., for the transportation of drug supplies, auto parts, bakery supplies, photographic films and prints, and radio and electronic parts and equipment in shipments of 100 pounds or less between points within a 30 mile radius of the City of San Mateo.

In all other respects the petition of Charles C. Canlas is denied.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 23<sup>rd</sup> day of September, 1958.

F. L. Fox  
President  
[Signature]  
[Signature]  
[Signature]  
Theodore J. Jansen  
Commissioners