

Decision No. 62417**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into
 the rates, rules, regulations, charges,
 allowances and practices of all common
 carriers, highway carriers and city
 carriers 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. 224

Lloyd Enos, petitioner.

Roger L. Ramsey, for United Parcel Service,
Philip A. Winter, for Delivery Service Company,
J. C. Kaspar, Arlo D. Poe and James X. Quintrall,
 for California Trucking Associations, Inc.,
 protestants.

Henry E. Frank, for the Commission staff.

O P I N I O N

By this petition, filed May 12, 1961, Lloyd Enos, doing business as Parcel Delivery, seeks exemption from Minimum Rate Tariff No. 2 for shipments weighing 75 pounds or less from wholesalers, manufacturers, distributors and jobbers dealing in general consumers' supplies for delivery within Contra Costa County.

Public hearing on the petition was held before Examiner William E. Turpen at San Francisco on July 7, 1961.

Petitioner proposes to pick up parcels in the Walnut Creek area and make deliveries within that area and to other communities nearby. For deliveries to Walnut Creek, Pleasant Hill and Concord he proposes to use the rates named in Item No. 990 of City Carriers' Tariff No. 2-A, Highway Carriers' Tariff No. 1-A.^{1/} These rates

^{1/} This item applies for parcel city delivery (wholesale only) within and between all zones in that tariff. The tariff applies to transportation within and between the cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont.

range from 57 cents to 40 cents per package depending on the number of packages tendered per week. For deliveries to Alamo, Antioch, Danville, Lafayette, Martinez, Orinda and Pittsburg petitioner proposes rates ranging from 88 cents to 78 cents, being the same as charged by another parcel carrier for deliveries to this area from the Oakland area.

The record shows that petitioner has recently had his permit amended to remove a weight restriction of 75 pounds per package and increase the radius of operation to 250 miles.

The representative of California Trucking Associations, Inc., moved that the petition be dismissed on the grounds of lack of evidence and failure of petitioner to comply with the announced Commission policy in matters of this nature. The representatives of United Parcel Service and of Delivery Service Company joined in this motion.

In Decision No. 61626, dated March 7, 1961, in Case No. 5432 (Petition for Modification No. 205), we announced the policy that whenever a carrier requests authority to depart from the provisions of the established minimum rates, the order granting such relief should prescribe the minimum rates to be assessed by that carrier in lieu thereof. The rates that petitioner proposes to assess are rates that are used by other carriers for a similar service, but for shipments originating in the Oakland area. Petitioner did not show that these rates would be reasonable for his operations.

Upon consideration of all the facts and circumstances of record, the Commission is of the opinion and finds that the authority sought has not been shown to be justified and that the petition should be denied.

O R D E R

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

IT IS ORDERED that Petition for Modification No. 224, in this proceeding, be and it is hereby denied.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15th
day of AUGUST, 1961.

Robert A. [Signature]
President
[Signature]
S. [Signature]
George L. [Signature]
Frederick B. [Signature]
Commissioners