

ORIGINAL

Decision No. 68587

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. 363)
(Filed November 20, 1964)
(Amended December 11, 1964)

OPINION AND ORDER

Russell Brown, doing business as Russ Brown Trucking Service, holds a highway contract carrier permit. By this petition, as amended, he seeks authority to transport shipments of wholesale drug supplies, weighing 75 pounds or less, between Sacramento and points within a radius of 100 miles of Placerville at charges per shipment less than the established minimum charges per shipment.

Petitioner desires to transport these small shipments of wholesale drug supplies, consisting principally of pharmaceutical supplies, from Sacramento to various drug stores as an emergency service for Western Drug Supply, McKesson-Robbins, Inc., Brunswig Drug Company and Flexco Pharmaceuticals, Inc., wholesale drug supply businesses located in Sacramento. Petitioner requests that he be authorized to transport such shipments at the same less-than-minimum charges per shipment as were authorized by the Commission to his predecessor in ownership of Stewart's Service.

¹ By Decision No. 67808, dated September 1, 1964, in Case No. 5432 (Petition for Modification No. 333, as amended) James L. Stewart was authorized to transport wholesale drugs as herein described for the shippers involved at charges per shipment less than the established minimum charges per shipment between points in the same territory generally. The highway contract carrier permit held by James L. Stewart was revoked by the Commission effective December 7, 1964.

Petitioner avers that much of the drug supply, because of its chemical nature, cannot remain out of refrigerated storage for more than a few hours without losing either its potency or effectiveness and such drug shipments require fast delivery service within the one-day category. Petitioner asserts that he is in a position to render the same services to the shippers involved as were previously provided by his predecessor. It is further asserted that it is not economically feasible for the retail drug outlets to maintain large quantities of drug supplies because the small drug store is not capable of sustaining the required monetary investment.

The verified petition shows that copies thereof were served by mail on California Trucking Association and various interested carriers. No objection to the granting of the petition has been received.

In the circumstances, it appears, and the Commission finds, that petitioner's proposed operation is of a specialized nature differing substantially from those for which the established minimum rates were primarily designed and that the proposed charges are reasonable for the transportation services involved. A public hearing is not necessary. The petition, as amended, should be granted.

IT IS ORDERED that Russell Brown is hereby authorized to transport shipments of wholesale drug supplies, each weighing 75 pounds or less, for Western Drug Supply, McKesson-Robbins, Inc., Brunswig Drug Company and Flexco Pharmaceuticals, Inc., between Sacramento and points in California within a radius of 100 miles of

Placerville at charges per shipment less than the established minimum charges per shipment but not less than the following:

Weight of Shipment (In Pounds)		Minimum Charge (In Cents)
<u>Over</u>	<u>But Not Over</u>	
0	25	150
25	50	200
50	75	250

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of February, 1965.

Fredrick B. Hallock
President
George L. Hoover
William W. DeWitt
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.