

**ORIGINAL**

Decision No. 73443

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 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. 470  
(Filed August 4, 1967,  
Amendment Filed  
October 19, 1967)

Nolen L. Heffington, in propria persona,  
respondent.  
R. C. Broberg, H. F. Kollmyer and A. D. Poe,  
for California Trucking Association;  
D. W. Ross, for Brunswig Drug Co.,  
interested parties.  
J. C. Matson, for the Commission staff.

O P I N I O N

Nolen L. Heffington seeks authority to assess less than the minimum rates on shipments of drugs and merchandise weighing 75 pounds or less for various firms in Sacramento.

A public hearing was held before Examiner O'Leary at Sacramento on October 24, 1967, at which time the matter was submitted. Evidence was presented by a representative of Brunswig Drug Co. and petitioner. Representatives of California Trucking Association and the Commission staff participated in the proceeding by examining the witnesses.

Petitioner transports small shipments of drugs and pharmaceutical supplies from Sacramento to Ione, Sutter Creek, Jackson, San Andreas, Angels Camp, Altaville, Murphys and Sonora. The representative of Brunswig Drug Co. testified that most of the shipments are relatively small orders of drugs which cannot remain out of refrigeration for long periods of time and pharmaceutical supplies. He further testified that the only other service in the area was an overnight service which is not satisfactory for these types of movements.

Petitioner testified that the various drug supply firms for whom he performs this service have indicated that his service will be discontinued if the relief sought is not granted.

In the circumstances, it appears, and the Commission finds that petitioner's 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 service involved. The Commission concludes that the petition should be granted as set forth in the ensuing order.

ORDER

IT IS ORDERED that Nolen L. Heffington is hereby authorized to transport shipments of wholesale drugs and drug supplies, each weighing 75 pounds or less from Brunswig Drug Company, McKesson & Robbins Drug Company and Western Drug Supply Company all located at Sacramento to Ione, Sutter Creek, Jackson,

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San Andreas, Angels Camp, Altaville, Murphys and Sonora at charges 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 5<sup>th</sup>  
day of DECEMBER, 1967.

*W. E. McMillan* President  
*William W. Bennett*  
*Augustus*  
*William Thomas Jr.*  
*Fred P. Monmsley* Commissioners