

ORIGINALDecision No. 74153

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. 414
 (Filed May 15, 1968)

SUPPLEMENTAL OPINION AND ORDER

The petition of United Parcel Service, Inc., seeks modification of the Commission's order in Decision No. 73416, dated November 28, 1967, in Case No. 5432, Petition for Modification No. 414, so as to extend the expiration date of the temporary authority granted it therein to depart from minimum rates established by the Commission.

In Decision No. 73416, the Commission found in effect that the rates, rules and regulations set forth in Minimum Rate Tariff No. 2 were not suitable for the service performed by petitioner as a highway contract carrier, under written contracts with retail stores, between such stores and their branches, warehouses and customers, at rates per package, per parcel or per piece or per package count or per piece unit count, and granted petitioner permanent exemption for such transportation from the rates and rules in Minimum Rate Tariff No. 2.

In Decision No. 73416 the Commission also indicated that other minimum rate tariffs of the Commission may contain items or

provisions which, though similarly not designed or intended for the type of service performed by petitioner under its common carrier tariff or under its written contracts with retail stores, might be deemed technically applicable to such service. The Commission concluded that petitioner should file its application to depart from minimum rates and rules established by the Commission and fully disclose its operations, rates and practices, and any charge, publication or contract at rates less than the established minimum rates. Pending a determination of the issues in said application, petitioner was authorized by Decision No. 73416 to depart until June 1, 1968, from any and all of the minimum rates established by the Commission to the extent necessary to continue to perform transportation as a highway common carrier at rates now maintained in its tariff, and to continue to perform transportation as a highway contract and as a city carrier for retail stores under the provisions of written contracts entered into and now in force with said retail stores.

In accordance with the conclusions and order of the Commission in Decision No. 73416, petitioner filed Application No. 50158, and Petitions for Modification in Cases Nos. 5432, 5330, 5435, 5438, 5439, 5441, 5603 and 7783, requesting authority to depart from the minimum rates and rules established by the Commission.

Public hearing was held at San Francisco on said application and petitions for modification, and the matter has been submitted to the Commission for decision. It now appears, however, that the Commission's decision may not be issued by June 1, 1968, at which time the temporary authority to depart granted by Decision No. 73416 is scheduled to expire. In the

circumstances, the authority should be extended pending decision in Application No. 50158; therefore,

IT IS ORDERED that Decision No. 73416 be and it is modified by substituting the following for ordering paragraph 6 thereof:

6. Until the effective date of a decision in Application No. 50158, United Parcel Service, Inc. is authorized to depart from any and all of the minimum rates established by the Commission to the extent necessary to continue to perform transportation as a highway common carrier at rates maintained in its tariffs, and to continue to perform transportation as a highway contract carrier and as a city carrier for retail stores under provisions of written contracts entered into and now in force with said stores.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this

21st day of MAY, 1968.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners