

Decision No. 74346

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 JOHN RAGGIO, doing business as)
 MINUTE MAN DELIVERY SERVICE, for)
 authority to deviate from the rates,)
 rules and regulations prescribed in)
 Minimum Rate Tariff No. 2.)

Application No. 50039
 (Filed February 23, 1968)

Richard T. Tarrant, for applicant.
J. C. Kaspar, H. F. Kollmyer and A. D. Poe,
 for California Trucking Association,
 interested party.
E. H. Burgess and R. E. Douglas, for the
 Commission staff.

O P I N I O N

John Raggio, doing business as Minute Man Delivery Service, conducting operations as a radial highway common carrier seeks authority to assess less than the minimum rates named in Minimum Rate Tariff No. 2 for the transportation of processed and unprocessed film for Bennetts Photo Service, Inc. (Bennett) and shipments of C. Rodolph Guth Pharmaceuticals (Guth).

A public hearing was held before Examiner O'Leary at San Francisco on April 22, 1968 at which time the matter was submitted subject to the receipt of late filed Exhibits 1, 2 and 3. The exhibits have been filed and the matter is now ready for decision.

Evidence in support of the application was presented by applicant and his accountant. A representative of the California Trucking Association and representatives from the Commission staff assisted in the development of the record.

Applicant proposes to provide service to Bennett six days a week delivering processed film to and picking up unprocessed film from Bennett's agents located in Marin County and lower Sonoma County. Each afternoon at approximately 1:30 p.m. applicant will send a truck from its terminal located at Greenbrae to the corner of Cutting and Hoffman Boulevards in Richmond where it will meet one of Bennett's trucks and pick up the processed film that is to be delivered. Applicant's truck would return to applicant's depot where the processed film would be distributed to two trucks, one which would service 8 agents in the northern Marin and southern Sonoma County area and one which would service 11 agents in the central and southern Marin County area. After the completion of their routes the trucks would return to the depot and the unexposed film that was picked up would be placed in one truck which would proceed to the corner of Cutting and Hoffman Boulevards in Richmond where it would again meet Bennett's truck to deliver the unprocessed film. The proposed charge to Bennett for the described service is \$1,190 per month, plus \$18.75 every two weeks to cover bridge tolls.

One of the trucks that applicant intends to use in the proposed Bennett service is utilized in San Francisco each morning. Before leaving San Francisco this truck would stop at Guth and pick up that company's shipments that are to be delivered in Marin and lower Sonoma Counties, and then proceed to applicant's depot. It is anticipated that this truck would arrive at the depot at approximately the same time applicant's other truck arrives from Richmond with the processed film. The Guth shipments would then be segregated into the two trucks that are used for the Bennett service. All of the persons to whom the Guth deliveries are to be made are agents of

Bennett except one. The person who is not is located across the street from a Bennett agent. The service is to be limited to deliveries weighing twenty pounds or less and the proposed charges per delivery are \$1.60 to the Marin County zone, \$2.10 to the Novato City zone and \$3.10 to the Sonoma County zone, subject to a minimum of \$25 per week.

The Marin County zone is defined to include the cities of Sausalito, Mill Valley, Tiburon, Larkspur, Corte Madera, San Anselmo, Ross, Fairfax, San Rafael, and the unincorporated areas of Marin County situated between those cities and within a five mile radius of U. S. Highway 101 and Sir Francis Drake Boulevard. The Novato City zone shall include all the area within the city limits of the incorporated City of Novato, Marin County, California. The Sonoma County zone shall include the cities of Petaluma, Cotati, Rohnert Park, Santa Rosa and Sebastopol, and the unincorporated areas of Sonoma County situated between those cities and within a five mile radius of U. S. Highway 101, and State Highways 12 and 116.

Applicant expects the gross revenue from Guth to average approximately \$500 per month.

A study setting forth the costs of the combined operation was submitted. (Exhibit A attached to the application.) The exhibit discloses that the operation will be compensatory.

The representative of the California Trucking Association questioned whether the sought relief could be granted since applicant holds authority only as a radial highway common carrier. The Commission staff requested that any deviation authority granted be conditioned upon applicant obtaining a permit to operate as a highway contract carrier. It is clear that the operations described herein

consist of daily service over a regular route. By definition the operating authority of a radial highway common carrier does not include operation over a regular route.

The Commission takes official notice that applicant has applied for and on May 28, 1968 was issued a permit authorizing operations as a highway contract carrier.

No one opposed the granting of the application. The representatives of the California Trucking Association and the staff urged that the sought authority, if granted, be limited in duration to one year.

Based upon the evidence adduced the Commission finds:

1. The transportation in question is over a regular route.
2. Radial highway common carriers may not operate over a regular route or between fixed termini.
3. Highway contract carriers may operate over a regular route and between fixed termini.
4. Applicant has obtained a permit authorizing operations as a highway contract carrier.
5. The proposed rates will be compensatory.
6. The proposed rates are reasonable and justified.

The Commission concludes that the sought authority should be granted as set forth in the ensuing order. Since the conditions under which the service is performed may change at any time the authority will be made to expire at the end of one year, unless sooner cancelled, changed or extended by order of the Commission.

O R D E R

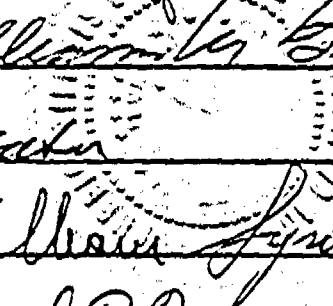
IT IS ORDERED that:

1. John Raggio, doing business as Minute Man Delivery Service, is authorized to perform transportation for Bennetts Photo Service, Inc. and C. Rodolph Guth Pharmaceuticals at rates less than the minimum rates set forth in Minimum Rate Tariff No. 2 to the extent set forth in Appendices A and B, attached hereto, and by this reference made a part hereof.

2. The authority herein granted shall expire one year after the effective date of this order unless sooner cancelled, changed, or extended by order of the Commission.

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

Dated at San Francisco, California, this 2nd day of JULY, 1968.


[Signature] President
[Signature]
[Signature]
[Signature]
[Signature] Commissioners

APPENDIX A

Carrier: John Raggio, doing business as Minute Man Delivery Service.

Shipper: Bennetts Photo Service, Inc.

Commodity: Film; processed and unprocessed.

Charge: \$1,190 per month plus \$18.75 every two weeks for bridge fare expense.

Between Cutting Boulevard and Hoffman Boulevard, Richmond, California, on the one hand;

And

Rutherford Pharmacy	68 Throckmorton, Mill Valley
Strawbridge's Cameras	85 Throckmorton, Mill Valley
Ronnie's Camera Shop	789 Bridgeway, Sausalito
Larkspur Pharmacy	472 Magnolia Avenue, Larkspur
Bank Pharmacy	83 Broadway, Fairfax
Photo Shop	115 Tunstead Avenue, San Anselmo
Poehlmann Pharmacy	1430 Fourth Street, San Rafael
Photo Shop	1112 Fourth Street, San Rafael
Emporium Camera Shop	Northgate Shopping Center, San Rafael
Northgate Drug	290 Northgate Shopping Center, San Rafael
Terra Linda Pharmacy	655 Del Ganado Road, San Rafael
Drug Giant	455 Entrada Drive, Novato
Drug Giant	613 E. Washington, Petaluma
St. Francis Studio & Camera	8297 Old Redwood Highway, Cotati
Shutterbug Camera Shop	154 N. Main Street, Sebastopol
U-Save Camera	777 Sebastopol Road, Santa Rosa
Emporium Camera Shop	555 Coddington, Santa Rosa
Keith Foto Shop	519 Fourth Street, Santa Rosa
McCarthy's Pharmacy	1200 Fourth Street, Santa Rosa

on the other hand.

APPENDIX B

Carrier: John Raggio, doing business as Minute Man Delivery Service.

Shipper: C. Rodolph Guth Pharmaceuticals.

Commodity: Shipments not exceeding 20 pounds.

Charge: Per delivery from San Francisco:

To Marin County zone	\$1.60 (See Note 1)
To City of Novato zone	2.10 (See Note 2)
To Sonoma County zone	3.10 (See Note 3)

Minimum Charge: \$25.00 per week.

Note 1. Marin County zone includes the cities of Sausalito, Mill Valley, Tiburon, Larkspur, Corte Madera, San Anselmo, Ross, Fairfax, San Rafael and the unincorporated area between said cities and within a five mile lateral of Highway 101 and of Sir Francis Drake Boulevard.

Note 2. City of Novato zone includes the area within the corporate limits of Novato.

Note 3. Sonoma County zone includes the cities of Petaluma, Cotati, Rohnert Park, Santa Rosa and Sebastopol and the unincorporated areas of Sonoma County situated between said cities and within a five mile lateral of U. S. Highway 101, State Highway 116 and State Highway 12.