

ORIGINAL

Decision No. 74442

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MODERN VAN & STORAGE,)
INC., a California corporation, doing)
business as MODERN MUSICAL SERVICES)
for an Ex Parte Order allowing appli-)
cant to deviate from the provisions of)
Paragraph 1, Sub-paragraph (m) of)
Item 145 of the Minimum Rate Tariff)
No. 4-B.)

Application No. 50216
(Filed May 7, 1968)

OPINION AND ORDER

Modern Van & Storage, Inc., a corporation, doing business as Modern Musical Services, holds a permit to operate as a household goods carrier and is exclusively engaged in the transportation of musical instruments of all descriptions. By this application, applicant seeks to depart from the shipping document provisions of Minimum Rate Tariff No. 4-B. These provisions require that the "confirmation of shipping instructions and rate quotation" document be signed by the shipper and the carrier prior to the commencement of performance of any service specified therein and that the signed original or duplicate thereof be delivered to the shipper prior to or at the time such service is begun. In lieu of these requirements, applicant proposes to issue to the shipper a duplicate of the shipping instructions and rate quotation document after such services are concluded.

Applicant states that it transports musical instruments for musicians or producers engaged in the entertainment or recording industry in southern California generally from a point of storage to the point where a given recording session is to

occur and that it returns the instruments to point of storage after said session is terminated. Applicant declares that the unique circumstances under which it performs such transportation services make it impossible to comply with the aforementioned requirements because of the practical problems involved.

Applicant avers that it frequently receives only 24 hours' notice or less by telephone of the date and location of a recording session as many recording agreements are made on the spur of the moment. Applicant contends that the availability of sound stage facilities, the performers, producers and other individuals vital to a given recording session are not always predictable and that sometimes the recording sessions are scheduled at unorthodox business hours.

Since the recording sessions are ordinarily conducted and paid for on an hourly basis, applicant alleges that this is the prime reason why there is generally no one present when it delivers the musical instruments. Applicant asserts that it is imperative that it deliver the instruments at the sound stage prior to the actual time scheduled for commencement of the recording sessions so that the producer will not lose time and money because of transportation delays. Applicant states that, since the facilities where the sound stages are located are ordinarily not open and no one is present to accept delivery at the hours specified, it has been entrusted with the keys to most of the sound stages so that deliveries can be accomplished in a timely manner.

Attached to the application are affidavits signed by the managers or directors of four of the major recording companies.

for which applicant performs transportation services.¹ The affidavits substantiate the transportation circumstances referred to above, stress the need for the specialized and efficient transportation services involved and support applicant's proposal.

The certificate of service shows that a copy of the application was mailed to California Moving and Storage Association on May 1, 1968. The application was listed on the Commission's Daily Calender of May 8, 1968. No objection to the granting of the application has been received.

In the circumstances, it appears, and the Commission finds, that applicant's request for relief from observing provisions of Item No. 145 of Minimum Rate Tariff No. 4-B as specifically proposed in the application is reasonable and consistent with the public interest. A public hearing is not necessary. The Commission concludes that the application should be granted. However, as the transportation conditions under which the service is performed may change at any time, the authority granted herein will be made to expire at the end of one year.

IT IS ORDERED that:

1. Modern Van and Storage, Inc., a corporation, is hereby authorized to depart from requirements of Paragraph 1 of Item No. 145 of Minimum Rate Tariff No. 4-B in connection with the transportation of musical instruments as specifically proposed in the application.

¹

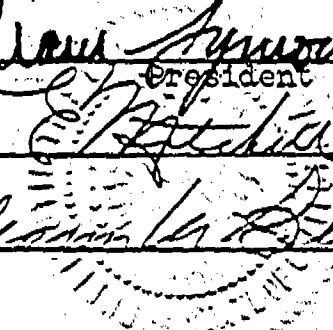
These recording companies are: RCA Record Division, Radio Corporation of America; CBS Records Division (CBS); Capitol Records, Inc.; and Liberty Recording Company.

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2. This authority shall expire one year after the effective date of this order unless sooner canceled, changed or extended by order of the Commission.

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

Dated at San Francisco, California, this 23rd day of July, 1968.


William Amos, Jr.
President
John E. Mitchell
William L. ...
Paul P. Moussey
Commissioners

Commissioner A. W. Gatev, being necessarily absent, did not participate in the disposition of this proceeding.