

ORIGINAL

Decision No. 75259

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
Lloyd Hemphill and Lewis Curtis of)	
Rapid Radial Transport for an order)	Application No. 50667
authorizing departure from the)	(Filed November 6, 1968)
rates, rules and regulations of)	
Public Utilities Tariff Rate #2)	

INTERIM OPINION AND ORDER

Lloyd Hemphill and Lewis Curtis, doing business as Rapid Radial Transport, hold radial highway common and highway contract carrier permits. By this application, they seek authority to transport packages weighing 100 pounds or less between points within a radius of 50 miles of East Palo Alto at rates, which differ from, and are less than, the Commission's established minimum rates.¹

Applicants state that they transport a great number of packages weighing less than 100 pounds and that most of these packages weigh 10 pounds or less. Applicants allege that the rates set forth in Minimum Rate Tariff No. 2 are not designed for local deliveries of the aforementioned packages and that such rates are greater than can be borne by the shippers involved.

Applicants aver that their competitors enjoy a distinct economic rate advantage in that they are free to assess rates that are agreeable between themselves and the shippers.² Applicants declare that it is not their purpose to secure their competitors' traffic but to retain that which they now have. Applicants assert

¹The application was amended by letter dated December 16, 1968, to clarify the territorial application of rates.

²The Commission has exempted certain parcel delivery carriers from observing the minimum rates in Minimum Rate Tariff No. 2 on shipments of 100 pounds or less.

that it is of extreme importance to them that the sought authority be granted in order that they may be on an equal basis with their competitors.

Copies of the application were mailed to California Trucking Association, United Parcel Service, Ace Delivery and Merchants Delivery on or about November 5, 1968. The application was listed on the Commission's Daily Calendar of November 7, 1968. California Trucking Association has informed the Commission by letter that it has no objection to an ex parte interim order in this proceeding authorizing applicants to meet their competition provided that applicants and their competitors, Ace Delivery and Merchants Delivery, be required to come before the Commission and present evidence which will bring them within the policy enunciated by the Commission in Decision No. 61626 (58 Cal.P.U.C. 533).³

Subject to further review upon consideration of evidence which may be adduced at a public hearing, it appears, and the Commission finds, that applicants' operations are of a specialized nature differing from those for which the established minimum rates were primarily designed and that the proposed charges are reasonable for the transportation service involved. By order issued today, consideration will be given to the questions raised with respect to Ace Delivery and Merchants Delivery.⁴ In the circumstances, the Commission concludes that applicants should be granted interim

³The Commission stated that "henceforth, whenever any highway carrier requests authority to depart from the provisions of the established minimum rates, the order granting such relief should prescribe the minimum rates to be assessed by that carrier in lieu thereof. In the case of a parcel delivery carrier, the establishment or approval of minimum parcel rates to be assessed by it will remove the possibility of any abuse of the exemption granted."

⁴These carriers are referred to in the Commission's official records as Howard Wilson, doing business as Ace Delivery Service, and Frank Sequeira, Jr., doing business as Merchants Delivery. The order with respect to said carriers will refer to them as they are described in the Commission's official records.

authority to the extent hereinafter indicated for a period of six months. A future hearing will be scheduled in this proceeding.

IT IS ORDERED that:

1. Lloyd Hemphill and Lewis Curtis are authorized to transport shipments weighing 100 pounds or less between points within a radius of 50 miles of East Palo Alto at rates less and different than the established minimum rates but not less than the rates set forth, and subject to the conditions specified, in Appendix A attached hereto and by this reference made a part hereof.

2. The authority granted herein shall expire six months after the effective date of this order.

3. A public hearing shall be scheduled in this proceeding for the receipt of evidence on this application.

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

Dated at San Francisco, California, this 28th day of January, 1969.

William Symons
President

Augusta

Paul R. Monsey

William H. H. H.

Thomas Moran
Commissioners

APPENDIX A TO DECISION NO. 75259

Carrier: Lloyd Hemphill and Lewis Curtis, doing business as Rapid Radial Transport.

Transportation: Packages weighing 100 pounds or less between points within a radius of 50 miles of East Palo Alto.

Application of Rates: Rates apply within and between Areas A, B and C as described in Note 1 and between other points as provided in Note 2. When a portion of the exterior limits of an incorporated city is within the boundaries of Area A, B or C, all points within the corporate limits of such incorporated city shall be considered as being within the boundaries of the area involved.

Note 1: Area A includes that area embracing all points on and within two miles of Highways 82 and 101 between San Francisco and San Jose, inclusive.

Area B includes that area embracing all points on and within two miles of:

- (1) State Highway 84 between Newark and a point 2 miles southwest of Niles, inclusive;
- (2) State Highway 17 between the junction of said highway with State Highway 84 and Albany, inclusive;
- (3) State Highway 238 between a point 2 miles northwest of Niles and the junction of said highway with Interstate Highway 580, inclusive;
- (4) Interstate Highway 580 between the junction of said highway with State Highway 238 and Oakland, inclusive.

Area C includes that area embracing all points on and within 2 miles of:

- (1) State Highway 84 between Niles and the junction of said highway with Interstate Highway 580, inclusive, including the off-route location of the University of California Lawrence Radiation Laboratory;
- (2) Interstate Highway 580 between the junctions of said highway with State Highway 84 and Interstate Highway 680, including the off-route point of Pleasanton;
- (3) Interstate Highway 680 between the junctions of said highway with Interstate Highway 580 and State Highway 4, including the off-route point of Concord;
- (4) State Highway 4 between the junctions of said highway with Interstate Highways 680 and 80, including the off-route point of Martinez;
- (5) Interstate Highway 80 between the junction of said highway with State Highway 4 and El Cerrito, inclusive; and
- (6) State Highway 24 between the junction of said highway with Interstate Highway 680 and the eastern boundary line of Oakland, including the off-route point of Moraga.

Note 2: When either the point of origin or the point of destination is not a point described in Area A, B or C or when both points of origin and destination are not described in said areas and the distance between the points of origin and destination is:

- (a) 1.5 miles or less, apply Area A rates;
- (b) Over 1.5 miles but not over 35 miles, apply Area B rates; and
- (c) Over 35 miles but not over 50 miles, apply Area C rates.

Rates in Cents per Package Between Points				Rates in Cents per Package Between Points			
Weight In Pounds Per Package Up To	Within Area A, B or C	In Areas A and B or In Areas B and C	In Areas A and C	Weight In Pounds Per Package Up To	Within Area A, B or C	In Areas A and B or In Areas B and C	In Areas A and C
1	40	50	65	51	191	250	314
2	43	54	70	52	195	254	318
3	46	58	75	53	199	258	322
4	49	62	80	54	203	262	326
5	52	66	85	55	207	266	330
6	55	70	90	56	211	270	334
7	58	74	95	57	215	274	338
8	61	78	100	58	219	278	342
9	64	82	105	59	223	282	346
10	67	86	110	60	227	286	350
11	70	90	115	61	231	290	354
12	73	94	120	62	235	294	358
13	76	98	125	63	239	298	362
14	79	102	130	64	243	302	366
15	82	106	135	65	247	306	370
16	85	110	140	66	251	310	374
17	88	114	145	67	255	314	378
18	91	118	150	68	259	318	382
19	94	122	155	69	263	322	386
20	97	126	160	70	267	326	390
21	100	130	165	71	271	330	394
22	103	134	170	72	275	334	398
23	106	138	175	73	279	338	402
24	109	142	180	74	283	342	406
25	112	146	185	75	287	346	410
26	115	150	190	76	291	350	414
27	118	154	195	77	295	354	418
28	121	158	200	78	299	358	422
29	124	162	205	79	303	362	426
30	127	166	210	80	307	366	430
31	130	170	215	81	311	370	434
32	133	174	220	82	315	374	438
33	136	178	225	83	319	378	442
34	139	182	230	84	323	382	446
35	142	186	235	85	327	386	450
36	145	190	240	86	331	390	454
37	148	194	245	87	335	394	458
38	151	198	250	88	339	398	462
39	154	202	255	89	343	402	466
40	157	206	260	90	347	406	470
41	160	210	265	91	351	410	474
42	163	214	270	92	355	414	478
43	166	218	275	93	359	418	482
44	169	222	280	94	363	422	486
45	172	226	285	95	367	426	490
46	175	230	290	96	371	430	494
47	178	234	295	97	375	434	498
48	181	238	300	98	379	438	502
49	184	242	305	99	383	442	506
50	187	246	310	100	387	446	510

Additional charge for each C.O.D. delivery - 75 cents.

Additional insurance charge - 50 cents per package for declared value
exceeding \$100.00.

End of Appendix A