

ORIGINAL

Decision No. 78149

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of DELIVERY SERVICE COMPANY, a )  
corporation, for an amendment of )  
its certificate of public )  
convenience and necessity as a )  
highway common carrier. )

Application No. 52103  
(Filed August 5, 1970)

Philip A. Winter, Attorney at Law, for applicant.

Graham & James, by Boris H. Lakusta and David J. Marchant, Attorneys at Law, for Delta Lines, Inc., Pacific Motor Trucking Co. and Trans-Bay, protestants.

O P I N I O N

Delivery Service Company, presently rendering service as a highway common carrier for the transportation of parcels and packages weighing less than 100 pounds between East Bay points, requests that its certificated authority be amended by deleting therefrom the following restrictions:

1. Applicant shall not use trucks of a larger rating than one-half ton.
2. Applicant shall not carry in a single day parcels and packages from a single consignor to a single consignee of a total weight in excess of three hundred pounds.

A public hearing was held before Examiner Daly on October 30, 1970 and November 24, 1970, at San Francisco, with the matter being submitted on the latter date.

Applicant has been conducting a certificated service for the transportation of packages since 1952, providing a highly specialized same-day pickup and delivery service. According to

the record applicant's operations have grown and developed over the years to the point where consignors are tendering packages in excess of the capacity of a one-half ton truck, which necessitates the use of two one-half ton trucks to make a pickup from a single consignor. During the course of the hearing, applicant and the protesting carriers stipulated that the restriction should be amended to provide for the use of one-ton trucks.

With respect to the weight restriction applicant's president testified that during a single day applicant may receive from one consignor packages for delivery to a single consignee at three different times; that these shipments are not consolidated for one delivery, but are delivered as soon as they are processed through the terminal; and that as a result, applicant has no way of knowing whether the 300-pound restriction has been violated until the end of the day when the delivery tickets have been tabulated. According to the witness only those packages are weighed which might exceed 40 pounds and the purpose of the weighing is for rating only. Protestants suggested that the 300-pound restriction, or possibly a 500-pound restriction be made applicable to the packages that are weighed; however, applicant argues that once the packages have been picked up from a consignor the consequences of having to return them would be drastic.

Protestants made no affirmative showing.

After consideration the Commission finds:

(1) Applicant is providing a highly specialized service for the transportation of packages or parcels weighing less than 100 pounds.

(2) The demand for its service has exceeded the capacity of the one-half ton truck restriction. As the result of a stipulation between applicant and protestants herein the equipment restriction shall be amended to provide for the use of one-ton trucks.

(3) The weight restriction, whereby applicant cannot carry in a single day parcels and packages from a single consignor to a single consignee of a total weight in excess of three hundred pounds, was imposed in 1952 and is outmoded. Applicant is not conducting a freight operation in competition with the protestants. It is providing a same-day pickup and delivery service for packages, a service which the protesting carriers do not provide and as presently structured are not capable of providing. The weight restriction serves no useful purpose and constitutes an unnecessary burden upon applicant and its customers.

(4) Public convenience and necessity require the granting of the application.

The Commission concludes that the application should be granted as set forth in the following order.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision No. 68451 is hereby amended by incorporating therein First Revised Pages 1 and 2 attached hereto in place of Original Pages 1 and 2.
2. Within sixty days after the effective date hereof and on not less than five days' notice to the Commission and to the

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public applicant shall amend the tariffs presently on file with this Commission to reflect the authority herein granted.

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

Dated at San Francisco, California, this 5<sup>th</sup> day of JANUARY, 1971.

J. P. Brown  
Chairman  
William J. ...  
...  
James L. ...  
Commissioners

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Appendix A  
(Dec. 68451)

DELIVERY SERVICE COMPANY  
(a corporation)

First Revised Page 1  
Cancels  
Original Page 1

Delivery Service Company, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to transport:

- A. Packages between Alameda, Oakland, Piedmont, Emeryville, Berkeley, Albany and El Cerrito.
- B. General commodities at wholesale between any two or more of the points described in subparagraph A above.
- C. The following commodities at retail between any two or more of the points described in subparagraph A above.

Auto Parts, Accessories and Supplies,	Labels,
Bags,	Liquors, Beer and Ale and Wines (packages),
Barber Supplies,	Mechanical Tools
Blue Prints,	Optical Supplies and Equipment,
Cameras,	Paper and Stationery Supplies,
Candy and Confections,	Periodicals and Magazines and Newspapers (single issues),
Cigars, Cigarettes,	Photographic Supplies,
Tobacco and Pipes,	Rubber Stamps,
Cosmetics,	Twine,
Dental Supplies and Equipment,	X-ray Plates and Prints.
Drugs and Medical Supplies and Equipment	
Films and Prints,	
Grocers' Supplies,	

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Appendix A  
(Dec. 68451)

DELIVERY SERVICE COMPANY  
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- D. Property between Alameda, Albany, Berkeley, El Cerrito, Emeryville, Oakland, Piedmont, and intermediate points, on the one hand, and, on the other hand, Alvarado, Antioch, Brentwood, Benicia, Castro Valley, Centerville, Clayton, Concord, Crockett, Danville, Decoto, Dublin, El Sobrante, Hayward, Irvington, Lafayette, Livermore, Martinez, Mission San Jose, Mt. Eden, Newark, Nichols, Niles, Oakley, Orinda, Pacheco, Pinole, Pittsburg, Pleasanton, Port Chicago, Richmond, Rodeo, San Leandro, San Lorenzo, San Pablo, Santa Rita, San Ramon, Sunol, Vallejo, Walnut Creek, Warm Springs, and intermediate points over and along U.S. Highways 40 and 50 and State Highways 4, 9, 17, 21, 24, and 48, and any other appropriate state and county roads and streets in and between the above-named points.

RESTRICTIONS:

1. Applicant shall not use trucks of a larger rating than one ton.
2. Applicant shall not carry any package or parcel weighing more than one hundred pounds.
3. Applicant shall not carry any package or parcel with a combined length and girth of more than one hundred sixty inches.
4. Applicant shall publish only a tariff for parcel delivery in which charges are made per parcel or package delivered.

(End of Appendix A)

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