

ORIGINAL

Decision No. 78419

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Far Western Mercantile Company,)
a co-partnership,

Complainant,

vs.

United Parcel Service,
a corporation,

Defendant.

Case No. 9102
(Filed August 4, 1970)

No appearance for complainant.

Wyman Knapp, Attorney at Law,
for defendant.

O P I N I O N

On August 4, 1970, Gavin N. High, a copartner, filed a complaint with the Commission on behalf of Far Western Mercantile Company against United Parcel Service, a highway common carrier engaged in the transportation of packages.

A public hearing was held before Examiner Daly on January 25, 1971, at San Francisco. No appearance was made on behalf of complainant and the matter was submitted upon the pleadings and an affirmative showing made by defendant.

The complaint alleges that in measuring packages having a physical circumference with a void center, such as a tire or a plastic hoop, defendant ignores the void center by measuring the girth as the distance once around the entire package and the length by measuring the outside diameter. Complainant contends that this method results in an excess measurement depriving the

copartnership from making certain shipments; however, the complaint fails to state any specific instances wherein service was refused because of the method of measuring employed by defendant. Complainant believes that defendant should follow the method followed by the United States Post Office and in the case of a tire measure once around the solid section for girth and the diameter for length.

In answer to the complaint, defendant admits that it uses the described method to measure the length and girth of all types of packages including articles with void interior spaces such as tires, picture frames, and door frames. It admits that the U. S. Post Office uses the method described by complainant in measuring tires, but denies that this is the only proper method of measuring such an object. Defendant denies that the method presently employed results in any injury to complainant.

The record indicates that defendant's certificated authority is restricted to the transportation of packages having a maximum size limit per package of 108 inches in length and girth, combined. The restriction was assertedly imposed for two reasons: (1) to avoid diversion to defendant of larger items traditionally handled by general truck carriers, and (2) to limit the packages to those which properly could be handled in the specialized type of parcel delivery service offered by defendant.

Defendant contends that the restriction was obviously intended to refer to the outer dimensions of any irregularly shaped object and to demonstrate the possible operational problems that could result from applying the method suggested by complainant, defendant introduced in evidence six photographs.

Exhibit No. 1 depicts a very large hoop having a girth of 4-1/4 inches and a diameter of 103 inches.

Exhibit No. 2 illustrates the impossibility of getting the hoop shown in Exhibit No. 1 into the specialized pickup and delivery equipment used by defendant.

Exhibit No. 3 depicts a large wooden frame having a girth of 8-5/8 inches and a diameter of 99 inches.

Exhibit No. 4 demonstrates the impossibility of loading the frame depicted in Exhibit No. 3 into defendant's pickup and delivery equipment.

Exhibit No. 5 depicts a plywood disc 3/4 of an inch thick with a diameter of 36 inches. If defendant were to apply its method of measuring the disc the total measurement would be 109-1/2 inches and in excess of its certificated authority.

Exhibit No. 6 depicts the same disc as shown in Exhibit No. 5 except for a hole two inches in diameter in the center. The handling characteristics would be identical with the disc shown in Exhibit No. 5, but because of the two-inch void the disc would now measure only 71-1/2 inches in length and girth, combined, under complainant's requested method of measurement.

After consideration the Commission finds that:

1. Defendant is a highway common carrier engaged in the transportation of packages having a maximum size limit per package of 108 inches in length and girth, combined, between points within the State.
2. In determining the girth of a package defendant measures the outer dimensions of all packages including irregularly shaped articles having a physical circumference with a void center, such as tires and hoops.
3. If the method suggested by complainant were employed and articles having a physical circumference with a void center were measured once around the solid section, plus the length of the

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diameter, defendant would be required to accept articles, such as those depicted in Exhibits Nos. 1 through 4 inclusive, which defendant could not transport in its equipment nor be able to handle on the mechanized sorting and conveying equipment utilized by defendant.

4. There is nothing in this record to indicate that the method of measuring articles having void center space results in any excessive measurement or injury to complainant.

5. The method employed by defendant in measuring articles having void center space is reasonable.

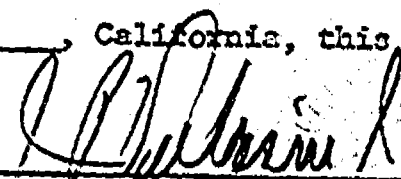
The Commission therefore concludes that the relief sought in the complaint should be denied.

O R D E R


IT IS ORDERED that the relief sought in the complaint in Case No. 9102 is hereby denied.

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


Dated at _____, California, this _____ day of _____, 1971.



Chairman



Commissioners



Commissioners