

Decision No. 79210

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation into)
 the rates, rules, regulations, charges,)
 allowances and practices of all common)
 carriers, highway carriers and city)
 carriers relating to the transportation)
 of property within San Diego County)
 (including transportation for which)
 rates are provided in Minimum Rate)
 Tariff No. 9-B).)

Case No. 5432
 Petition for Modification
 No. 605
 (Filed October 22, 1970)

In the Matter of the Investigation into)
 the rates, rules, regulations, charges,)
 allowances and practices of all common)
 carriers, highway carriers and city)
 carriers relating to the transportation)
 of any and all commodities between and)
 within all points and places in the)
 State of California (including, but not)
 limited to, transportation for which)
 rates are provided in Minimum Rate)
 Tariff No. 2).)

Case No. 5439
 Petition for Modification
 No. 130
 (Filed October 22, 1970)

David H. Thompson, Attorney at Law, for peti-
 tioner.

Arthur D. Maruna, H. F. Kollmyer, and A. D. Poe
 (Attorney at Law), for California Trucking
 Association, protestant.

Rodney Starkey, for Pacific Messenger Service,
 interested party.

B. I. Shoda, for the Commission staff.

O P I N I O N

Petitioner, Sterling Security Service and Investigation
 Bureau, Inc., operates as a highway contract carrier within a radius
 of fifty miles of San Diego, limited to the transportation of com-
 modities basically described as documents. By these petitions,
 exemption from the minimum rates named in Minimum Rate Tariffs 2 and
 9-B is sought for this transportation.

Public hearings on the petitions were held February 24 and May 4, 1971 at San Diego before Examiner Turpen. The California Trucking Association was opposed to the granting of the petitions.

The record shows that petitioner's employees pick up the documents from four title insurance companies twice daily, return to petitioner's office where the documents are sorted as to destinations and then delivered, on four routes, to up to 174 destinations, and at such stops, picking up any documents to be returned to the title insurance companies. Passenger sedans are used and the drivers are women. Individual deliveries may range from one envelope to several pounds of envelopes. In all cases the contents are unknown to petitioner. At present, petitioner has contracts with the title insurance companies for an agreed upon monthly charge based on the number of customers and volume of deliveries. Petitioner states that it is impracticable to weigh the various shipments, and not knowing the contents of the packages, it is impossible to classify them for rate determination. A cost and revenue statement introduced into evidence by petitioner's business manager shows that for a five-month period from November 1970 through March 1971, the operation has been conducted at a profit.

By Decision No. 65794, dated July 30, 1963, a number of carriers were exempted from observance of the minimum rates and rules in various minimum rate tariffs in connection with the transportation of checks, drafts and/or money orders, legal documents, business records, audit media and tabulation cards when transported in a vehicle not exceeding a licensed weight of 4,000 pounds. This exemption was granted on the basis that the minimum rates were not designed to cover such transportation. It appears that petitioner's operations are in the same category.

The Commission finds that the minimum rate provisions named in Minimum Rate Tariffs 2 and 9-B are not appropriate minimum rates and rules for the type of service petitioner provides. The

Commission concludes that petitioner should be exempted from the minimum rates as set forth in the ensuing order.

O R D E R

IT IS ORDERED that:

1. Sterling Security Service and Investigation Bureau, Inc., is exempted from observance of the rates, rules and regulations in Minimum Rate Tariffs 2 and 9-B in connection with the transportation of checks, drafts, money orders (moving in process of clearance between banks and/or clearing houses), business records, audit media, tabulation cards, and legal documents, when transported in a vehicle not exceeding a licensed weight of 4,000 pounds.

2. Decision No. 52199, as amended, in Case No. 5432, is further amended (a) by adding the name of Sterling Security Service and Investigation Bureau, Inc. to the list of carriers set forth in Appendix "C" to said Decision No. 52199, and (b) by specifying the extent that Sterling Security Service and Investigation Bureau, Inc. is exempted from the rates, rules, and regulations in Minimum Rate Tariff No. 2.

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

Dated at San Francisco, California, this 5th day of OCTOBER, 1971.

[Signature]
Chairman
[Signature]
[Signature]
[Signature]
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.