

Decision No. 80030**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 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. 5432
 Petition for Modification
 No. 698
 (Filed March 30, 1972)

Case No. 5439
 Petition for Modification
 No. 157
 (Filed March 30, 1972)

And Related Matters.

Case No. 5441
 Petition for Modification
 No. 243
 (Filed March 30, 1972)

O P I N I O N

Bankers Dispatch Corporation (petitioner) operates under a radial highway common carrier permit authorizing transportation throughout the State of audit and accounting media, business records, checks and other commercial papers, data processing materials, drafts, film, radioactive pharmaceuticals, securities, restorative dental and optical supplies, laboratory specimens, blood and legal documents, and within a radius of 350 miles of San Francisco for general commodities. Petitioner's contract carrier permit covers the State of California on general commodities.

The petitions state that Bankers intends to engage in what is commonly known as a "courier type" service, involving the transportation of documents and articles used daily in businesses but which are not intrinsically valuable. Such transportation is performed in motor vehicles with a licensed weight under 4,000 pounds such as automobiles, station wagons and panel trucks of the type normally used in a delivery service.

Petitioner seeks an exemption from the rates contained in Minimum Rate Tariffs 1-B, 2, 9-B and 19 in connection with its proposed courier type service.

Petitioner points out that the courier service it intends to perform is identical with that performed by other carriers which have been granted exemptions from minimum rates.^{1/} Petitioner states that in Decision No. 65794 (61 Cal. P.U.C. 260) the Commission found:

"In view of these and other dissimilarities between petitioners' services and those which are subject to the minimum rate provisions in issue herein, we find that said minimum rate provisions are not appropriate minimum rates, rules and regulations for the armored car and courier services which petitioners provide."

The petitions allege that the courier services petitioner will perform are not susceptible to the application of minimum rates. Petitioner requests that it be granted the same type of exemption heretofore granted to competing carriers.

By letter to the Commission, dated April 6, 1972, petitioner asks that its request for exemption of the following commodities be

^{1/} American Courier Corporation and MPA Courier Corporation in Decision No. 76236, 70 Cal. P.U.C. 203; Armored Transport, Inc., Brinks Incorporated, California Intercity Armored Car Service, Inc., Loomis Armored Car Service, Inc. of California, Loomis Armored Transport, Inc., United Clearings, Inc., Valley Armored Transport, Inc. in Decision No. 65794, 61 Cal. P.U.C. 260; and Loomis Courier Service in Decision No. 78535.

deleted: film, radioactive pharmaceuticals, restorative dental and optical supplies, laboratory specimens and blood. Said commodities are not covered by the rate exemptions heretofore granted to competing carriers as enumerated in footnote 1, supra.

Notice of the filing of the petitions herein appeared on the Commission's Daily Calendar. There are no protests or request for public hearing. Petitioner requests that this matter be decided without hearing, in the absence of protest.

In the circumstances, it appears, and the Commission finds, that petitioner will engage in a type of transportation service for which competing carriers have heretofore been granted exemptions from minimum rates, and that petitioner's request for a similar exemption is justified. A public hearing is not necessary.

The Commission concludes that the petitions should be granted to the extent provided by the following order.

O R D E R

IT IS ORDERED that:

1. Bankers Dispatch Corporation is exempted from observance of the rates, rules and regulations in Minimum Rate Tariffs 1-B, 2, 9-B and 19 in connection with the transportation of checks, drafts, and/or money orders (moving in the process of clearance between banks and/or clearing houses), legal documents, business records, audit media, and tabulation cards when transported in a vehicle not exceeding a licensed weight of 4,000 pounds.

2. Except to the extent granted herein, the petitions are denied.

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

Dated at San Francisco, California, this 9th
day of MAY, 1972.

[Signature]
Chairman
William Brown
[Signature]
[Signature]
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Commissioners