

ORIGINAL

Decision No. 80835

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of O. D. SLEDGE (KWIK TRUCKING),)	
for an Order from the Commission)	
exempting applicant, by name, from)	
the provisions of Minimum Rate)	Application No. 53685
Tariff Numbers 1-B, 2, 9-B and 19,)	(Filed November 13, 1972)
when engaging in the specialized)	
transportation of medical laboratory)	
specimens and other medically)	
related articles.)	

OPINION AND ORDER

O. D. Sledge and William D. Fish, doing business as Kwik Trucking Co., operate as a highway permit carrier. By this application, they seek exemption from the minimum rates in Minimum Rate Tariffs 1-B, 2, 9-B and 19 in connection with their specialized "courier service."

According to applicants, this service involves the transportation in motor vehicles such as automobiles, station wagons and panel trucks, not exceeding a licensed weight of 4,000 pounds, of various medically-oriented documents and articles which have no real or intrinsic value to outsiders. Applicants state that these articles are of very small size or weight and consist of human and animal specimens, contained in very small glass or plastic tubes and vials, of whole blood and blood serum for medical laboratory examination; individual units of human blood; small glass slides for microscopic tissue examination; urine and stool specimens; sputum, wound and other cultures; tissue samples for pathological medical examination;

X-ray photographs; medical transmittal documents and documents reporting results of medical laboratory examinations; and specimen envelopes, laboratory test forms and transmittal containers furnished by medical laboratories to their clients. Applicants aver that these items are transported for various physicians, medical laboratories, hospital laboratories, x-ray laboratories and other similar medical institutions.

Applicants declare that they recently learned that the Commission granted to their competitor, Out Patient Services, Inc., an exemption from the Commission's minimum rates for this type of transportation.¹ Applicants point out that they and Out Patient Services, Inc. both perform services for Biochemical Procedures, San Francisco, and that articles picked up by them in the Sacramento area are interchanged with Out Patient Services, Inc. at Lodi. Applicants allege that, if they are not granted the sought exemption from the minimum rates, they will not be able to compete with Out Patient Services, Inc. for the specialized "courier service" involved.

The verified application shows that copies thereof were mailed to California Trucking Association and Out Patient Services, Inc. on or about November 13, 1972. The application was listed on the Commission's Daily Calendar of November 14, 1972. No objection to the granting of the application has been received.

The Transportation Division staff has reviewed the application and recommends that it be granted by ex parte order but that the minimum rate exemption be limited to transportation, which is otherwise subject to the rates named in Minimum Rate Tariff 2, to conform with applicants' operative right.

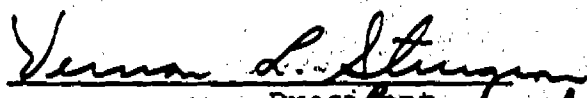
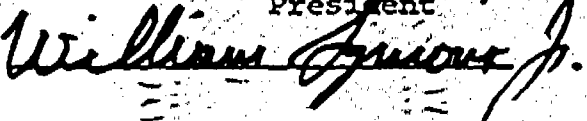


¹See Decision No. 80621, dated October 17, 1972, in Application No. 53340.

In the circumstances, the Commission finds that the proposed minimum rate exemption is justified to the extent indicated in the ensuing order. A public hearing is not necessary. The Commission concludes that the application should be granted.

IT IS ORDERED that O. D. Sledge and William D. Fish are exempted from observance of the rates and rules in Minimum Rate Tariff 2 in connection with the transportation of the following items, when transported in a vehicle not exceeding a licensed weight of 4,000 pounds: human and animal specimens; whole blood and blood serum; small glass slides for microscopic tissue examination; urine and stool specimens; sputum, wound and other cultures; tissue samples for pathological medical examination; X-ray photographs; medical transmittal documents and documents reporting results of medical laboratory examinations; and specimen envelopes, laboratory test forms and transmittal containers furnished by medical laboratories to their clients.

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

Dated at San Francisco, California, this 12th day of December, 1972.


President



Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.