

Decision No. 82115

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. 765
(Filed September 18, 1973)

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. 9-3).

Case No. 5439
Petition for Modification No. 189
(Filed September 18, 1973)

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 in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma.

Case No. 5441
Petition for Modification No. 276
(Filed September 18, 1973)

OPINION AND ORDER

Aero Speed Mail Service, Inc. (petitioner) operates under radial highway common carrier and highway contract carrier permits authorizing the transportation of property throughout the state. Petitioner now intends to engage in what is commonly known as a "courier type" service involving the transportation of documents and articles used daily in general commercial business activities. Such transportation is to be performed in motor vehicles with a licensed weight of 4,000 pounds or less.

Petitioner seeks an exemption from the otherwise governing rates, rules, and charges contained in Minimum Rate Tariffs 1-B, 2, and 19 in connection with its proposed courier type service of:

"checks, drafts, money orders, securities, transit items, sales audit items, business records, audit media, tabulation cards, data processing materials, legal documents, printed or reproduced documents or data, video tapes, films, and printed news stories from and between all California points within 220 air miles of Sacramento." 1/

Petitioner notes that the courier service it intends to perform is currently offered by other competing carriers which have previously been granted the minimum rate exemptions sought herein. 2/

1/ The specific minimum rate exemption sought by petitioner does not involve Minimum Rate Tariff 9-B (San Diego Drayage Area). Petition for Modification No. 189 in Case No. 5439 was erroneously filed and should be dismissed.

2/ American Courier Corporation and MPA Courier Corporation in Decision No. 76236, 70 CPUC 203; Mail Delivery Service Co., Inc. in Decision No. 77801, and Loomis Courier Service in Decision No. 78585.

Petitioner contends its proposed courier service is not susceptible to the governing provisions of the existing minimum rate tariff. In further support of the sought relief petitioner states:

1. With the advent and increasing utilization of electronic processing equipment and the trend toward concentrating such functions in one center, expedited service is required.
2. For a number of years petitioner has been providing local courier service in the transportation of audit media and data processing materials between points within the immediate Sacramento area.
3. Petitioner has received numerous requests to perform courier service outside the immediate Sacramento area.
4. Petitioner is financially able to provide the proposed additional service and to expand its fleet of motor vehicular equipment as may be required.

In Decision No. 65794 (61 CPUC 260) the Commission found that: "In view of these and other dissimilarities between petitioner's 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." A like finding in the instant proceeding is deemed appropriate.

Notice of the filing of the petitions herein appeared on the Commission's Daily Calendar. There are no protests or requests for public hearing. Petitioner requests that the sought relief be granted by ex parte order.

In the circumstances, 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 Petitions for Modification Nos. 765 and 276 in Cases Nos. 5432 and 5441, respectively, should be granted and Petition for Modification No. 189 in Case No. 5439 should be dismissed.

IT IS ORDERED that:

1. Aero Speed Mail Service, Inc. is exempted from the otherwise governing provisions of Minimum Rate Tariffs 1-B, 2, and 19 for the transportation of checks, drafts, money orders, securities, transit items, sales audit items, business records, audit media, tabulation cards, data processing materials, legal documents, printed or reproduced documents, or data, video tapes, films, and printed news stories from and between all points within a radius of 220 air miles of Sacramento when transported in a motor vehicle not exceeding a licensed weight of 4,000 pounds.

2. Petition for Modification No. 189 in Case No. 5439 is dismissed without prejudice.

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

Dated at San Francisco, California, this 13th day of NOVEMBER, 1973.

Vernon L. Sturgen
President
William Synovis
Commissioners