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Decision No. 82314

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 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)

**ORDER PARTIALLY GRANTING PETITION FOR
RECONSIDERATION AND STAY OF DECISION NO. 82115
PENDING HEARING AND RECEIPT OF EVIDENCE THEREON**

By the Commission's ex parte order in Decision No. 82115 dated November 13, 1973 in Case No. 5432 (Petition for Modification No. 765) et al., Aero Speed Mail Service, Inc. was exempted from the otherwise governing provisions of Minimum Rate Tariffs 1-B, 2, and 19. This minimum rate exemption was limited to 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."

The MDS Courier Services, Inc. (MDS) by petition filed November 23, 1973, urges the Commission to reconsider its ex parte order in Decision No. 82115 and thereafter set aside said decision, pending hearing, so that MDS may have an opportunity to be heard and present evidence. In denying the allegations set forth in MDS's petition, Aero Speed Mail Service, Inc. states that it is not opposed to a public hearing in this matter, should the Commission find such action desirable, provided the authority granted in Decision No. 82115 is not set aside as requested by MDS.

Pursuant to the Commission's consideration of MDS's petition and the reply thereto of Aero Speed Mail Service, Inc., it has been determined that a public hearing should be scheduled in this proceeding to afford MDS an opportunity to be heard and present evidence. Decision No. 82115 should not, however, be set aside as requested by MDS. In the circumstances,

IT IS ORDERED that:

1. The record in Cases Nos. 5432 and 5441 (Petitions Nos. 765 and 276, respectively) is reopened and public hearing will be scheduled at a time and place to be determined for the purpose of affording MDS Courier Services, Inc. an opportunity to be heard and present evidence.
2. The authority granted in Decision No. 82115 shall be continued in effect unless otherwise modified or canceled by subsequent order of the Commission.

C. 5432, Pet. 765, C. 5441, Pet. 276 ek

3. To the extent not granted herein the petition filed by MDS Courier Services, Inc. on November 23, 1973 in this proceeding is denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 8th
day of JANUARY, 1974.

Vernon L. Sturgeon
President
William J. Gurnea
William J. Gurnea
William J. Gurnea
William J. Gurnea
Commissioners