

Decision No. 82425**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the VIKING DELIVERY SERVICE, INC.,
for an order authorizing departure
from rates, rules and regulations
of Public Utility Minimum Rate
Tariff No. 2.

Application No. 54488
(Filed December 7, 1973)

OPINION AND ORDER

Viking Delivery Service, Inc., applicant, is authorized to operate as a radial highway common and highway contract carrier for the transportation of property governed by the provisions set forth in Minimum Rate Tariff 2. Applicant now seeks an exemption from the rates, rules, and charges named in Minimum Rate Tariff 2 in connection with its performance of courier service when transporting:

"...audit media, payroll checks, business records, tabulating cards, paper punch tapes and printed material from and between those California points which are within 320 air miles of Santa Clara, in vehicles of licensed weight of 4,000 lbs. or less."

Applicant states that the courier service it now performs is also provided by several competing carriers operating under outstanding minimum rate exemption authorities similar to that sought by applicant.^{1/} Several of these competing exempt carriers are presently bidding to provide courier service for shippers whose courier business applicant has historically enjoyed. Applicant explains that since it must observe the provisions of Minimum Rate

^{1/} Applicant directs attention to the minimum rate exemptions granted Bankers Dispatch Corporation in Decision No. 80030, Loomis Courier Service in Decision No. 78585, and the several courier rate exemptions granted in Decision No. 65794, 61 CPUC 260.

Tariff 2 in connection with such traffic, it cannot submit bids which can successfully compete with the existing exempt carriers who are free to solicit the traffic at rates less than the otherwise governing minimum rates.

Applicant has been providing courier-type service to its customers and has submitted financial and equipment list data to demonstrate that Viking Delivery Service, Inc. is financially able to continue to offer such service at the rates proposed to be assessed under the sought exemption. Due to the fact that applicant's competitors are submitting bids for the courier service in question to customers presently served by applicant, it is requested that this application be given emergency consideration and that the sought relief be granted by ex parte order.

In Decision No. 65794 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." A like finding in the instant proceeding is appropriate, and we so find.

The certificate of service indicates that applicant has furnished competing carriers for the courier type of transportation service involved with a copy of the application. Notice of the filing of Application No. 54488 appeared in the Commission's Daily Calendar for December 10, 1973. There are no protests or requests for public hearing.

In the circumstances, the Commission finds that applicant is engaged in a courier type of transportation service for which competing carriers have heretofore been granted exemptions from minimum rates, and applicant's request for similar relief is justified. A public hearing is not necessary.

The Commission concludes that Application No. 54488 should be granted.

IT IS ORDERED that Viking Delivery Service, Inc. is exempted from the otherwise governing provisions of Minimum Rate Tariff 2 for the transportation of audit media, payroll checks, business records, tabulating cards, paper punch tapes, and printed material from and between California points located within 320 air miles of Santa Clara when transported in a motor vehicle not exceeding a licensed weight of 4,000 pounds.

The effective date of this order is the date hereof.

Dated at San Diego, California, this 5th
day of FEBRUARY, 1974.

Yarnon L. Stevens
President
William J. Sproull
J. M. ...
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...
Commissioners