

Decision No. 82435**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation
into the rates, rules and regula-
tions, charges, allowances and
practices of all common carriers
and highway 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 Mini-
mum Rate Tariff No. 2).

Case No. 5432
Petition for Modification
No. 778

(Filed November 21, 1973)

OPINION AND ORDER

U. S. Courier Corporation, petitioner, is authorized to engage in the transportation of commodities named in Minimum Rate Tariff 2 with certain exceptions and exclusions, as a radial highway common carrier and a highway contract carrier. Petitioner's operations consist, in part, of a courier-type of service.

Petitioner seeks an exemption from the otherwise governing rates, rules, and charges contained in Minimum Rate Tariff 2 in connection with its performance of courier-type transportation of:

"checks, drafts, money orders, securities, transit items, sales audit items, business records, audit media, tabulation cards, data processing materials, legal documents, and printed or reproduced documents or data when transported in a vehicle not exceeding a licensed weight of 4,000 pounds."

In support of the sought relief petitioner refers to Decision No. 65794 dated July 30, 1963 in Case No. 5432 (61 CPUC 260) wherein carriers engaged in courier operations similar to that performed by petitioner were granted exemption identical to that now sought by U. S. Courier Corporation. In granting such exemptions the Commission stated:

"The services which petitioners provide in their courier operations consist of the transportation of such business records and documents as cancelled checks, drafts, and money orders in process of clearance, inventory records, sales records and tabulation cards. The shipments which move in the courier service do not have great intrinsic value, and do not require the special protective services needed in the transportation of money, securities and other valuable articles. However, the courier services likewise cover a wide range of activity, and must be closely coordinated with the schedules and needs of the bank, department store, chain store or other enterprise involved. Petitioners assert that the services are performed in such a multitude of circumstances that it would not be reasonably practicable to bring them under minimum rate regulation.

"As has been stated previously herein, the minimum rates from which petitioners seek exemption are rates that have been prescribed for the transportation of general commodities, some of the more important rate factors that enter into the determination of the rates are the weight and bulk of the shipments. In contrast, the record is clear that these factors have relatively little bearing upon the rates for petitioners' services, and that the principal determinants thereof are the security and service requirements in connection with armored car transportation and the service requirements in connection with the courier transportation. 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."

In further support of the sought minimum rate exemption petitioner has submitted a balance sheet and profit and loss statement for the period ending October 1973. The statements indicate that U. S. Courier Corporation has experienced a net income (before income taxes) of \$8,843.64. Petitioner submits that granting the sought authority will not have any adverse affect upon the

motor carrier industry and would prove beneficial to the shipping public having a need for petitioner's courier service.

A copy of the petition was served upon the California Trucking Association and several competing highway carriers. Notice of the filing of Petition 778 appeared in the Commission's Daily Calendar for November 26, 1973. There are no protests or requests for public hearing. Petitioner requests that the sought relief be granted by ex parte order. The Commission's Transportation Division staff has reviewed the petition and recommends that, in the absence of protest, the matter be granted by ex parte order.

In the circumstances, the Commission finds that petitioner is engaged in a type of for-hire transportation courier service previously exempted from minimum rates pursuant to Decision No. 65794 and that granting a similar exemption to U. S. Courier Corporation is justified. A public hearing is not necessary.

The Commission concludes that Petition for Modification No. 778 in Case No. 5432 should be granted.

IT IS ORDERED that U. S. Courier Corporation is exempted from the otherwise governing provisions of Minimum Rate Tariff 2 when performing courier service in connection with the transportation of checks, drafts, money orders, securities, transit items, sales audit items, business records, audit media, tabulation cards, data processing materials, legal documents, and printed or

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reproduced documents or data when transported in a motor vehicle not exceeding a licensed weight of 4,000 pounds.

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

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

Vernon L. Sturgeon
President
William J. Symons, Jr.
J. Hallman
John C. ...
...
Commissioners