

ORIGINAL

Decision No. 82826

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
United Parcel Service, Inc., to
restrict its highway common carrier
certificate to preclude same-day
service in Los Angeles, Orange,
San Bernardino and Ventura Counties.

Application No. 54701
(Filed March 1, 1974;
amended April 15, 1974)

O P I N I O N

United Parcel Service, Inc. requests that its certificated authority as a highway common carrier be amended by adding the following restriction:

- (d) No service shall be rendered within the area comprising Los Angeles, Orange, San Bernardino, San Diego, and Ventura Counties in the transportation of packages or articles which are delivered or intended to be delivered on the same business day as tendered.

Red Arrow Bonded Messenger Corporation (Red Arrow) and applicant are wholly owned subsidiaries of United Parcel Service of America, Inc. Red Arrow by custom provides an expedited same-day service on small shipments between points within the above counties pursuant to radial and contract carrier permits, which are subject to the restriction that Red Arrow shall not engage in the transportation of property over the public highways under its permits when such transportation is covered by the highway common carrier operating authority of United Parcel. While applicant does not usually provide a same-day service in the area considered, its certificated authority is not restricted against such service. Because of this and the alter ego relationship, which on the face of it would appear to violate Sections 494 and 3542 of the Public Utilities Code, applicant requests that its certificate be amended as proposed.

After consideration the Commission finds that the granting of the application, as amended, would not be adverse to the public interest. A public hearing is not necessary. We further find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

O R D E R

IT IS ORDERED that:

1. Appendix A of Decision No. 70125 in Application No. 47874 is amended by substituting First Revised Page 1 attached hereto and by reference made a part hereof in place of Original Page 1.
2. Within sixty days after the effective date hereof, applicant shall amend its tariffs presently on file with the Commission to reflect the authority herein granted.

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

Dated at Los Angeles, California, this 7th
day of MAY, 1974.

William L. Sturgeon, Jr. President
[Signature]
[Signature] Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

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

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Appendix A
(Dec. 70125)

UNITED PARCEL SERVICE, INC. First Revised Page 1
(a corporation) Cancels
Original Page 1

United Parcel Service, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to transport general commodities, except articles of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk and those requiring temperature control or special equipment, between all points in California, via any and all available routes, subject to the following restrictions:

- (a) No service shall be rendered in the transportation of any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined, and each package or article shall be considered as a separate and distinct shipment.
- (b) No service shall be provided in the transportation of packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location during a single day.
- (c) No service shall be rendered between retail stores and their branches or warehouses, or between retail stores and their branches or warehouses, on the one hand, and the premises of the customers of such stores, on the other hand.
- *(d) No service shall be rendered within the area comprising Los Angeles, Orange, San Bernardino, San Diego, and Ventura Counties in the transportation of packages or articles which are delivered or intended to be delivered on the same business day as tendered.

(End of Appendix A)

Issued by California Public Utilities Commission.

*Added by Decision No. 82826, Application No. 54701.