

Decision No. 82843

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
ECONO-LINE EXPRESS, INC., a
corporation, for an order granting
an exemption from provisions of
Minimum Rate Tariff 2.

Application No. 54732
(Filed March 15, 1974)

OPINION AND ORDER

Econo-Line Express, Inc. is authorized to operate as a radial highway common carrier and highway contract carrier for the transportation of general commodities subject to the provisions contained in Minimum Rate Tariff 2. Applicant 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 350 air miles of San Jose and north of the line formed by the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, in vehicles of licensed weight of 4,000 lbs. or less."^{1/}

Applicant states that the courier service it now performs is also provided by competing carriers operating under outstanding minimum rate exemption authorities similar to that sought by applicant. Several of these competing exempt carriers are presently bidding to provide courier service for shippers whose courier business applicant has historically enjoyed. Applicant contends that because it must observe the rates published in Minimum Rate Tariff 2, it cannot presently submit bids competitive with those of exempt carriers who are free to solicit the traffic at rates less than the otherwise governing minimum rates.

Applicant has been providing courier service to its customers and has submitted financial and equipment list data to demonstrate that

^{1/} Northern boundary restriction reflects applicant's request of April 5, 1974.

Econo-Line Express, Inc. is financially able to continue to provide the service at the rates proposed to be assessed under the sought authority. Since applicant's competitors are currently submitting bids for the courier service in question, it is requested that this application be accorded emergency consideration and that the sought relief be granted by ex parte order.

In Decision No. 65794 (61 CPUC 260) 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 Application No. 54732 would also be appropriate.

The certificate of service indicates that applicant has furnished competing carriers for the courier service involved with a copy of the application. Notice of the filing of Application No. 54732 appeared in the Commission's Daily Calendar for March 18, 1974. No protest or request for public hearing relative to this matter has been received.

In the circumstances, the Commission finds that Econo-Line Express, Inc. is engaged in a courier transportation service for which competing carriers have heretofore been exempted from the otherwise governing minimum rates, and applicant's request for similar relief has been shown to be justified.

The Commission concludes that Application No. 54732 should be granted. A public hearing is not necessary.

IT IS ORDERED that Econo-Line Express, 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 those California points which are within 350 air miles of San Jose and north of the line formed by the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, in vehicles of licensed weight of 4,000 pounds or less.

The effective date of this order is 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.