

ORIGINAL

Decision No. 83075

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 property within San Diego County (including transportation for which rates are provided in Minimum Rate Tariff No. 9-B).

Case No. 5439
Petition for Modification
No. 215
(Filed May 23, 1974)

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. 803
(Filed May 23, 1974)

OPINION AND ORDER

James L. Wyncoop and Gladys B. Wyncoop, doing business as J & S Attorney Service and Pinto Express, are authorized to operate as a highway contract carrier for the transportation of property within California. Petitioner seeks authority to be exempt from the otherwise governing provisions of Minimum Rate Tariffs 2 and 9-B when performing a courier transportation service for:

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 on data, in vehicles of licensed weight of 4,000 pounds or less, and excluding transportation subject to weekly, monthly, or yearly vehicle unit rates.

Petitioner states that the sought exemption is identical to that granted in Decision No. 65794 (61 CPUC 260) wherein 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 relative to petitioner's sought minimum rate exemption would also be appropriate.

This matter was listed on the Commission's Daily Calendar for May 24, 1974. No protests or requests for public hearing have been received. In the circumstances, the Commission finds that petitioner is engaged in a courier transportation service for which competing highway carriers have heretofore been exempted from the otherwise governing minimum rates, and petitioner's request for similar relief has been shown to be justified.

The Commission concludes that Petitions Nos. 215 and '803 in Cases Nos. 5439 and 5432, respectively, should be granted. A public hearing is not necessary.

IT IS ORDERED that James L. Wyncoop and Gladys Wyncoop, doing business as J & S Attorney Service and Pinto Express, are exempted from the otherwise governing provisions of Minimum Rate Tariffs 2 and 9-B when engaged in the courier 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 on data, in vehicles of licensed weight of 4,000 pounds or less, and excluding transportation subject to weekly, monthly, or yearly vehicle unit rates.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 2nd day of JULY, 1974.

Vernon L. Stevenson
President
William Squors
[Signature]
[Signature]
Commissioners

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