

Decision No. 83366

ORIGINAL

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 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. 807
(Filed June 10, 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 property in the City and County of San Francisco, and the Counties of Alameda, Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma.

Case No. 5441
Petition for Modification
No. 303
(Filed June 10, 1974)

In the Matter of the Investigation into the rates, rules, regulations, charges, allowances and practices of all common 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. 218
(Filed June 10, 1974)

OPINION AND ORDER

California Couriers Inc. has applied for a permit authorizing it to operate as a highway contract carrier within California in the transportation of business records, cash letters (nonnegotiable), payrolls, punch cards, film, data processing input and output, computer tapes, audit media, cancelled checks, and related items. It requests an exemption from the minimum rates set forth in Minimum Rate Tariffs 1-B, 2, 9-B, and 19.

Petitioner intends to engage in what is commonly known as a "courier type" service. Said courier type service involves the transportation, in motor vehicles, such as automobiles not exceeding a licensed weight of 4,000 pounds, which are not armored or protected, of various types of documents and articles as set forth above which are used daily in business, but are not intrinsically valuable. Such business documents and data processing materials are coming to be used by an ever increasing number of businesses including, but not

limited to, banks, stock brokerage firms, insurance companies, retail stores, and manufacturing, distribution, and warehousing operations.

The documents involved are normally transported between the various branches of the business, a computer center or some other form of central record repository or process center. Because of the variety of documents involved, businesses affected, and services involved, it is difficult, if not impossible, to categorize the service because it will be as unique as any particular customer might demand and must be adjusted as innovations in business record keeping come into being.

Upon investigating the practicality and requirements to be met, petitioner discovered that a number of courier operations already exist in the State and that their operations are performed under permits with an exemption from the minimum rates based upon the fact that the operations of a courier are not susceptible to regulation under the typical dry freight oriented tariff. Courier service requires specialized service involving many different and varied types

of business documents. The weight involved and the distance covered actually has little significance with regard to the service. The primary factor is specialized service able to meet an exacting schedule.

Since the articles and documents do not have an intrinsic value, they are not required to be protected in the same manner as monies or negotiable instruments. For this reason, the vehicles used are not armored and the drivers are neither uniformed nor armed.

The exemption requested here is identical to that previously requested and granted by this Commission to numerous carriers.

This Commission has previously found in Decision No. 65794, 61 Cal. PUC 260:

"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 petitioners' sought minimum rate exemption would also be appropriate.

This matter was listed on the Commission's Daily Calendar for June 11, 1974. No protests or requests for public hearing have been received. In the circumstances, the Commission finds that petitioner intends to engage 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. 807, 303, and 218 in Cases Nos. 5432, 5441, and 5439, respectively, should be granted. A public hearing is not necessary.

IT IS ORDERED that California Couriers Inc. is exempted from the otherwise governing provisions of Minimum Rate Tariffs 1-B, 2, 9-B, and 19 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 27th day of AUGUST, 1974.

Thomas L. Sturgeon
President
William Synovis Jr.
[Signature]
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Commissioners

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