

ORIGINALDecision No. 83514**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. 811
(Filed June 24, 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. 305
(Filed June 24, 1974)

O P I N I O N

Robert V. Gross, doing business as BoMar Mail Delivery Service, operates under radial highway common carrier and highway contract carrier permits authorizing the transportation of property throughout the state. Petitioner now intends to engage in what is commonly known as a "courier type" service involving the transportation of documents and articles used daily in general commercial business activities. Such transportation is to be performed in motor vehicles with a licensed weight of 4,000 pounds or less.

Petitioner seeks an exemption from the otherwise governing rates, rules, and charges contained in Minimum Rate Tariffs 1-B, 2, and 19 in connection with its proposed courier type service of:

"...checks, drafts, money orders, securities, transit items, sales audit items, business records, audit media, tabulation cards, data processing materials, legal documents, printed or reproduced documents or data, video tapes, exposed films, and printed news stories from and between all California points within 100 air miles of Hayward." 1/

Petitioner notes that the courier service it intends to perform is currently offered by other competing carriers which have previously been granted the minimum rate exemptions sought herein.^{2/}

Petitioner contends its proposed courier service is not susceptible to the governing provisions of the existing minimum rate tariff. In further support of the sought relief petitioner states:

1. With the advent and increasing utilization of electronic processing equipment and the trend toward concentrating such functions in one center, expedited service is required.
2. For a number of years petitioner has been providing local courier service in the transportation of audit media and data processing materials between points within the immediate Hayward area.

1/ The petitions refer to Minimum Rate Tariffs 1-B and 2 only and also request an exemption for mail delivery service. Petitioner has informed the Commission that the failure to include Minimum Rate Tariff 19 in the petitions was an inadvertent oversight and requests that it be included in the sought courier service exemption and that the proposed exemption for mail delivery service be deleted.

2/ American Courier Corporation and MPA Courier Corporation in Decision No. 76236, 70 CPUC 203; Mail Delivery Service Co., Inc. in Decision No. 77801; Loomis Courier Service in Decision No. 78585; and Aero Speed Mail Delivery, Inc. in Decision No. 82115.

3. Petitioner has received requests to perform courier service outside the immediate Hayward area.
4. Petitioner is financially able to provide the proposed additional service and to expand its fleet of motor vehicular equipment as may be required.

In Decision No. 65794 (61 CPUC 260) the Commission found that: "In view of these and other dissimilarities between petitioner's 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 the instant proceeding is deemed appropriate.

Notice of the filing of the petitions herein appeared on the Commission's Daily Calendar. There are no protests to the proposed courier service exemption. Petitioner requests that the sought relief be granted by ex parte order.

The Commission finds that petitioner will engage in a type of transportation service for which competing carriers have heretofore been granted exemptions from minimum rates, and that petitioner's request for a similar exemption is justified. A public hearing is not necessary.

The Commission concludes that Petitions for Modification Nos. 811 and 305 in Cases Nos. 5432 and 5441, respectively, as amended by petitioner, should be granted.

O R D E R

IT IS ORDERED that Robert V. Gross, doing business as BoMar Mail Delivery Service, is exempted from the otherwise governing provisions of Minimum Rate Tariffs 1-B, 2, and 19 for the transportation of checks, drafts, money orders, securities, transit items, sales audit items, business records, audit media, tabulation cards, data processing materials, legal documents, printed or reproduced documents, or data, video tapes, exposed films, and printed news stories from and between all points within a radius of 100 air miles of Hayward 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 Francisco, California, this 1st
day of OCTOBER, 1974.

James L. Stevenson
President
William J. J. J.
W. J. J.
W. J. J.
Commissioners