

ORIGINALDecision No. 83678

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. 823
(Filed October 8, 1974)

And Related Matters.

Case No. 5439
Petition for Modification No. 230
Case No. 5441
Petition for Modification No. 320
(Filed October 8, 1974)

O P I N I O N

Farrell Messenger Service, Inc. is authorized to operate as a highway contract carrier and as a radial highway common carrier for the transportation of property within California. Petitioner seeks authority exempting it from the otherwise governing provisions of Minimum Rate Tariffs 1-B, 2, 5, 9-B, and 19 when performing courier service with vehicles of licensed weight of 4,000 pounds or less for the transportation of:^{1/}

^{1/} Minimum Rate Tariff 5 was cancelled by Decision No. 78472 dated March 23, 1971 in Case No. 6322.

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 or data, excluding transportation subject to weekly, monthly, or yearly 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 is appropriate.

This matter was listed on the Commission's Daily Calendar for October 9, 1974. No protests or requests for public hearing have been received. In the circumstances, the Commission finds that Farrell Messenger Service, Inc. is engaged in a courier transportation service for which competing highway carriers have heretofore been exempted from otherwise governing minimum rates, and petitioner's request for similar relief has been shown to be justified.

The Commission concludes that Petitions Nos. 823, 230, and 320 in Cases Nos. 5432, 5439, and 5441, respectively, should be granted. A public hearing is not necessary.

O R D E R

IT IS ORDERED that Farrell Messenger Service, 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 or 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 16th
day of NOVEMBER, 1974.

Verano L. Stevenson
President
William Synovis, Jr.
Robert E. McLean
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.