

Decision No. 83757**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. 55218
(Filed September 30, 1974)

O P I N I O N

Econo-Line Express, Inc. is a radial highway common carrier and a highway contract carrier. By Decision No. 82843 dated May 7, 1974 in Application No. 54732 it is exempted 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."

By this application it seeks modification of the exemption to permit it to charge rates lower than or different from the minimum rates in Minimum Rate Tariff 2 for the transportation of the same commodities between points which are within 350 miles of San Jose in vehicles of licensed weight of 4,000 pounds or less. Applicant asserts that it has been invited by one of its present shippers to bid on a contract for such transportation to, from, and between points south of the line formed by the northern boundaries of San Luis Obispo, Kern, and San Bernardino Counties, and it is unable to bid at rates below the minimum rates for this transportation and is at a competitive disadvantage.

Applicant's competitors engaged in providing courier service have been exempted from the provisions of Minimum Rate Tariff 2. (See Decisions Nos. 65794, 78585, 80030, and 82425.) 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. Petitioners' request for exemption of the armored services from the minimum rates will be granted. Their request for exemption of the courier services will also be granted. However, in order to avoid the competitive difficulties pointed out by the representatives of the California Trucking Associations, Inc., and of the parcel delivery carrier, the exemption will be limited to petitioners."

Applicant asserts that bids are currently being submitted to shippers utilizing the courier service and requests that this application be given emergency consideration. A copy of the application was served upon applicant's competitors in this service. No protests have been received.

We find that applicant's competitors engaged in transporting audit media, payroll checks, business records, tabulating cards, paper punch tapes, and printed material in vehicles of licensed weight of 4,000 pounds or less have heretofore been granted by the Commission exemptions from the provisions of Minimum Rate Tariff 2, and that the modification sought herein by applicant is necessary for it to compete without undue disadvantage for such business within 350 air miles of San Jose.

The application should be granted and the order providing for the authority should be made effective immediately. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. 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, to, and between California points which are within 350 air miles of San Jose in vehicles of licensed weight of 4,000 pounds or less.

2. The authority granted by Decision No. 82843 in Application No. 54732 is revoked.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 26th
day of NOVEMBER, 1974.

Samuel L. Steiner
President
William J. Johnson
Robert E. McFarland
Commissioners