

Decision No. 83828

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
tion into the rates, rules,)
regulations, charges, allowances)
and practices of all common car-)
riers and city carriers relating)
to the transportation of prop-)
erty 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. 307
(Filed July 16, 1974)

OPINION AND ORDER

Minimum Rate Tariff 1-B (MRT 1-B) names minimum rates and rules for the transportation of property by highway carriers within and between the Cities of Alameda, Albany, Berkeley, Emeryville, Oakland and Piedmont (East Bay Drayage Area). By this petition, California Trucking Association seeks to have the Wholesale Parcel City Delivery rates in Item 840 of MRT 1-B canceled. Petitioner also requests that common carriers be directed to establish in their respective tariffs all such modifications as may be prescribed by the Commission's order in this proceeding, including relief from the long- and short-haul provisions of Section 460 of the Public Utilities Code.

Petitioner states that the rates in question have historically been premised upon the operations of a single carrier, Delivery Service Company. In its Decision No. 74129 the Commission observed that:

"In prior proceedings the Commission has found that the minimum rates named in Item 840 of Minimum Rate Tariff No. 1-B should be predicated upon the operations of Delivery Service Company inasmuch as that company is the rate-making carrier in the local parcel delivery field."

Petitioner asserts that the Commission has previously declined to adjust the levels of said rates when evidence concerning the operations of that carrier was not of record in a proceeding to increase rates generally within the affected territory.¹ Petitioner avers that the aforementioned rates have not been adjusted since February, 1972, but the minimum rates for transportation within the East Bay Drayage Area were increased on five other occasions in recognition of increased costs that occurred since that date.²

Petitioner alleges that these rates are unreasonably low and the rate-making carrier upon whose operation such rate levels were predicated has ceased business because of its inability to sustain a profit by charging such rates.³

Copies of the petition were mailed to various chambers of commerce, shipper organizations and carrier representatives on or about July 15, 1974. The petition was listed on the Commission's Daily Calendar of July 18, 1974. No objection to the granting of the petition has been received.

¹ See Decision No. 57296 of September 2, 1958.

² See Decisions Nos. 80283, 81000, 82221, 82453 and 82926.

³ Delivery Service Company has ceased operations and its operating authority is under suspension. The carrier was declared a bankrupt on March 28, 1973, U.S. District Court, Northern District of California, No. 4-73-0610. By order of the Referee in Bankruptcy, Robert L. Hughes, dated June 13, 1973, the certificate of public convenience and necessity to operate as a highway common carrier held by Delivery Service Company was sold to Carl Peterson and Dewey Wilson, dba Peterson and Wilson.

IT IS ORDERED that:

1. Minimum Rate Tariff 1-B (Appendix B to Decision No. 65834, as amended) is further amended by incorporating therein to become effective January 17, 1975, Seventeenth Revised Page 43 attached hereto and by this reference made a part hereof.
2. Common carriers subject to the Public Utilities Act, to the extent that they are subject to Decision No. 65834, as amended, are hereby directed to establish in their tariffs the amendment necessary to conform with the further adjustment ordered herein.
3. Tariff publications required to be made by common carriers as a result of this order shall be filed not earlier than the effective date of this order and may be made effective not earlier than the tenth day after the effective date of this order on not less than ten days' notice to the Commission and to the public and shall be made effective not later than January 17, 1975.
4. Common carriers, in establishing and maintaining the amendment authorized hereinabove, are hereby authorized to depart from the provisions of Section 460 of the Public Utilities Code to the extent necessary to adjust long- and short-haul departures now maintained under outstanding authorizations; such outstanding authorizations are hereby modified only to the extent necessary to comply with this order; and schedules containing the amendment published under this authority shall make reference to the prior orders authorizing long- and short-haul departures and to this order.
5. In all other respects Decision No. 65834, as amended, shall remain in full force and effect.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 17th day of December, 1974.

Vernon L. Sturgeon
President
William J. Quors Jr.
Thomas Moran
Robert E. McLeod
Commissioners

SECTION 3--COMMODITY RATES (Concluded) In Cents Per 100 Pounds, Except As Noted		ITEM
COMMODITY	RATES	
◊ Item Cancelled		ø840
<p align="center">PARCEL RATES</p> <p>PARCEL DELIVERIES, freight, regardless of classification, transported within and between all zones:</p> <p>1. The rates and provisions of this item are limited in their application to shipments of general commodities, except articles of unusual value, dangerous articles (Class A and B explosives), household goods, commodities in bulk, and commodities requiring temperature control or special equipment. Each package or article shall be considered as a separate and distinct shipment.</p> <p>2. The provisions of this item will not apply to the transportation of:</p> <p>(a) Any package or article weighing more than 50 pounds or exceeding 108 inches in length and girth combined.</p> <p>(b) Any packages or articles weighing in the aggregate more than 100 pounds from one consignor at one location to one consignee at one location during a single day.</p> <p>(c) Any package or article when consignor requests delivery on the same day that package or article is picked up at consignor's place of business or delivered to carrier's terminal.</p> <p>(d) Any shipment between retail stores and their branches or warehouses on the one hand, and on the other hand, the premises of the customers of such stores.</p> <p>3. Rates and charges in this item shall apply only on prepaid shipments and only where the shipper elects in writing in advance to utilize the rates and charges herein for all packages weighing 50 pounds or less tendered by said shipper to the carrier for delivery during the same calendar week.</p> <p>NOTE.--In addition to the rates named herein the carrier shall assess a service charge of \$2.00 per week unless all packages or pieces are tendered at carrier's terminal.</p>		850
◊ Change) ◊ Increase ; Decision No.		83828
EFFECTIVE		
Correction ISSUED BY THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA, SAN FRANCISCO, CALIFORNIA.		