

Decision No. 84045

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. 829
(Filed November 18, 1974)
amended January 16, 1975)

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 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. 235
(Filed November 18, 1974)
amended January 16, 1975)

O P I N I O N

Woodson Enterprises, Inc. (petitioner), a California corporation, operates as a radial highway common carrier.

Petitioner engages in what is commonly known as a "messenger service." This messenger service involves the transportation in motor vehicles, not exceeding a licensed weight of 4,000 pounds, of various legal documents not intrinsically valuable. It requests an exemption from the minimum rates set forth in Minimum Rate Tariffs 2 and 9-B for the transportation of legal documents, checks, money orders, securities, transit items, sales audit items, business records, audit media, tabulation cards, data processing materials, and printed or reproduced documents or data.

Petitioner alleges that the service performed by it is primarily designed to benefit the process serving business. The implementation of the messenger service is as follows: The messenger picks up documents from law firms, once or twice daily depending upon the arrangement with the law firms involved. The rate charged each law firm for the messenger service is a monthly rate, varying with the size of the law firm and the required number of daily pickups, and it is important to note that the messenger rate is not based upon the number of documents picked up for each of the respective law firms. The primary objective of this type of messenger service is not to profit from this service, for in reality it is a break-even operation. The real objective is to bolster the process service business from attorneys, and thereby realize a more substantial profit on the process serving end of the business. In such an interdependent operation, where the volume of process serving is indirectly dependent upon efficiency of the messenger service, it is absolutely essential that petitioner continue to afford this clientele an inexpensive messenger service in return for their legal process business.

Petitioner further alleges that, since the articles and documents transported do not have intrinsic value, they are not required to be protected in the same manner as monies and 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 CPUC 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."

C. 5432 Pet. 829, C. 5439 Pet. 235 lmm

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 November 20, 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 petitioners' request for similar relief has been shown to be justified.

The Commission concludes that Petitions Nos. 829 and 235 in Cases Nos. 5432 and 5439, respectively, should be granted. A public hearing is not necessary.

O R D E R

IT IS ORDERED that Woodson Enterprises, Inc. is exempted from the otherwise governing provisions of Minimum Rate Tariffs 2 and 9-B when engaged in the courier transportation of:

Legal documents, checks, money orders, securities, transit items, sales audit items, business records, audit media, tabulation cards, data processing materials, 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 Diego, California, this 4th day of FEBRUARY, 1975.

Vernon L. Sturgeon
President
William J. Brown
Donald E. Brown
Howard Ross

Commissioners