

Decision No. 84084

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).

And Related Matters.

Case No. 5432
Petition for Modification
No. 830
(Filed November 22, 1974)

Case No. 5439
Petition for Modification
No. 236
Case No. 5441
Petition for Modification
No. 325
(Filed November 22, 1974)

O P I N I O N

Petitioner, Aero Speed Mail Service, Inc., seeks an exemption from the minimum rates, rules, and regulations named in Minimum Rate Tariffs 1-B, 2, 9-B, and 19 applicable to 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, films, and printed news stories between all points within the State of California, in vehicles of a licensed weight not to exceed 4,000 pounds. Petitioner was granted an exemption for this transportation between all points within 220 air miles of Sacramento by Decision No. 82115 dated November 15, 1973.

Petitioner is currently providing service to customers who have requested service to points which are outside the area to which petitioner's present exemption applies. Petitioner seeks to remove the competitive disadvantage now experienced due to the minimum rate exemption held by a number of competitors.

In support of the relief sought petitioner cites Decision No. 65794^{1/} 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."

The service conducted by petitioner is also a courier service for which the current minimum rates are not appropriate. The nature of petitioner's service and the competitive relationship now experienced compel a finding that the exemption sought is justified. (See also Decision No. 83366, August 27, 1974.)

This matter was listed on the Commission's Daily Calendar for November 25, 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 petitioner's request for similar relief has been shown to be justified.

The Commission concludes that Petitions 830, 236, and 325 in Cases Nos. 5432, 5439, and 5441, respectively, should be granted. A public hearing is not necessary.

^{1/} Case No. 5432 (Petitions 271 and 272), Case No. 5435 (Petitions 40 and 41), Case No. 5439 (Petitions 22 and 23), and Case No. 5441 (Petitions 62 and 63) (July 30, 1963) 61 CPUC 260.

O R D E R

IT IS ORDERED that Aero Speed Mail 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, printed or reproduced documents, or data, video tapes, film, and printed news stories in vehicles of a licensed weight not to exceed 4,000 pounds.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 11th
day of FEBRUARY, 1975.

Verne L. Stinson
President
William J. Lyons
Donald R. ...
Leonard R. ...
Commissioners