

Decision No. 84626**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 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. 249  
(Filed April 18, 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 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. 852  
(Filed April 18, 1975)

O P I N I O N

James Francis Deery and Herbert Calvin Skeens (petitioners), a partnership doing business as The Great Delivery Machine, operate as a radial highway common carrier.

Petitioners engage in what is commonly known as a "courier service". This service involves the transportation in motor vehicles such as automobiles, pickup trucks, not exceeding a licensed weight of 4,000 pounds, which are not armored or protected, of various types of documents and articles that are not intrinsically valuable. These articles and documents consist of checks, drafts, securities, transit

items, escrow, business records, mortgage papers, legal documents, and architects' plans. They are transported for various business institutions, such as savings and loans, escrow companies, businesses dealing in various types of commercial paper, architects, mortgage companies, and others requiring extensive business materials and business records.

Petitioners allege that they believed that this specialized type of service was exempt from the provisions of the Commission's rates and tariffs. Recently, however, it has come to the petitioners' attention that the transportation performed by them in this courier service may be governed by the Commission's minimum rates and charges.

In order to remove any question as to whether or not such transportation is exempt from the Commission's rates and tariffs, petitioners are requesting that the Commission expressly exempt petitioners by name from such minimum rates and tariffs. Specifically, petitioners request any order from the Commission exempting petitioners by name from the provisions of Minimum Rate Tariffs 2 and 9-B when engaging in such transportation.

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."

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 April 21, 1975. No protests or requests for public hearing have been received. In the circumstances, the Commission finds that petitioners intend 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. 852 and 249 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 James Francis Deery and Herbert Calvin Skeens, a partnership doing business as The Great Delivery Machine, are exempted from the otherwise governing provisions of Minimum Rate Tariffs 2 and 9-B when engaged in the transportation of checks, drafts, securities, transit items, escrow, business records, mortgage papers, legal documents, architects' plans, audio tapes, video tapes, radio and television commercial copy, and graphic advertising material 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 8th  
day of JULY, 1975.

  
President

  
Commissioners

  
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.