

Decision No. 84743**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. 854
(Filed May 8, 1975;
amended June 27, 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 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. 338
(Filed May 8, 1975;
amended June 27, 1975)

O P I N I O N

Cal Bay Express, Inc. (petitioner), a California corporation, operates as a radial highway common carrier.

Petitioner engages in what is commonly known as a "courier service." This service involves the transportation in motor vehicles, not exceeding a licensed weight of 4,000 pounds, of various documents. It requests an exemption from the minimum rates set forth in Minimum Rate Tariffs (MRT) 2, 1-B, and 19 for the transportation of audit media,

payroll checks, business records, tabulating cards, paper punch tapes, exposed film, and printed material between points located within a 350 air mile radius of Palo Alto.

Petitioner alleges that for several years it has been providing the service for which it here seeks exemption at the rate levels set forth in MRT 2, 1-B, and 19. A number of its competitors, who provide similar service, have been granted exemptions from the minimum rates. Several of petitioner's competitors are presently submitting bids to provide a courier service for shippers who have requested petitioner to submit bids. Petitioner further alleges it cannot successfully compete with bidders who are presently exempt from minimum rates for courier type transportation. ✓

The exemption requested here is similar 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 May 12, 1975. 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. 854 and 338 in Cases Nos. 5432 and 5441 should be granted.

O R D E R

IT IS ORDERED that Cal Bay Express, Inc. is exempted from the otherwise governing provisions of Minimum Rate Tariffs 2, 1-B, and 19 when engaged in the transportation of:

Audit media, payroll checks, business records, tabulating cards, paper punch tapes, exposed film, and printed material, between points within 350 air miles of Palo Alto, 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 shall be twenty days after the date hereof.

Dated at San Francisco, California, this 5th day of AUGUST, 1975.

William J. Quinn President
James J. Higgins
Robert W. Holmes
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.