

Decision No. 84896

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
 tion into the rates, rules, regu-)
 lations, 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 (in-)
 cluding, but not limited to,)
 transportation for which rates are)
 provided in Minimum Rate Tariff)
 No. 2).)

Case No. 5432
 Petition for Modification
 No. 864
 (Filed June 30, 1975)

And Related Matters

Cases Nos. 5439 and 5441
 Petitions for Modification
 Nos. 255 and 343, respectively
 (Filed June 30, 1975)

INTERIM OPINION AND ORDER

Eileen Walker, doing business as Walker B. Express, operates as a highway contract carrier. By these petitions, as amended, she seeks an exemption from the minimum rates in Minimum Rate Tariffs 2 and 9-B in connection with the transportation in "courier type" service of various medically oriented documents and articles, electronic resistor equipment and parts thereof and bank documents and related articles.¹

¹ Though Eileen I. and Braxton B. Walker filed the petitions herein involved, the permit is issued only to Eileen Walker and the petitions will hereafter be considered as being filed by her. Also, since the permit does not cover the transportation of property within the San Francisco and East Bay Drayage Areas for which rates are provided in Minimum Rate Tariffs 1-B and 19, the sought exemption from the minimum rates in said tariffs will not be considered.

Petitioner alleges that the aforementioned commodities would be transported in motor vehicles not exceeding a licensed weight of 4,000 pounds and such transportation would be from various business institutions including title insurance companies, banks, escrow companies, commercial paper companies, medical laboratories and offices.

The exemption sought herein is similar to that previously requested and granted to numerous carriers.² The Commission has previously found in Decision No. 65794 (61 Cal.P.U.C. 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."

Copies of the petitions and amendment thereto were mailed to California Trucking Association and Pacific Messenger Service, Inc. The petitions and amendment thereto were respectively listed on the Commission's Daily Calendar of July 1 and 29, 1975. Pacific Messenger Service, Inc. has, by letter from its attorney, Warren N. Grossman, protested the petitions insofar as they would apply to the transportation of electronic resistor equipment and articles and component parts.

² American Courier Corporation and MPA Courier Corporation in Decision No. 76236, 70 Cal.P.U.C. 203; Armored Transport, Inc., Brinks Incorporated, California Intercity Armored Car Service, Inc., Loomis Armored Car Service, Inc. of California, Loomis Armored Transport, Inc., United Clearings, Inc., Valley Armored Transport, Inc. in Decision No. 65994, 61 Cal.P.U.C. 260; and Loomis Courier Service in Decision No. 78585.

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 her request for similar relief, except the transportation of electronic resistor equipment and articles and component parts in courier service, is justified. The Commission concludes that the petitions, as amended, should be granted to the extent indicated in the ensuing order.

IT IS ORDERED that:

1. Eileen Walker is exempted from observance of the rates and rules in Minimum Rate Tariffs 2 and 9-B in connection with the transportation of the following commodities when transported in a vehicle not exceeding a licensed weight of 4,000 pounds:


- (a) Laboratory tests of human blood, specimens, X-ray photographs, medical transmittal documents and documents reporting blood plasma, medical laboratory examinations and specimen envelopes, very small glass or plastic vials or tubes, small glass slides for microscopic tissue; and
- (b) Checks, drafts, money orders, data processing documents, legal documents, sales audit items, business records and statements, tabulation cards, securities, reproduced documents or data.

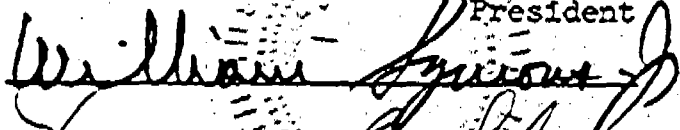
2. A public hearing shall be scheduled in Cases Nos. 5432 and 5439 (Petitions for Modification Nos. 864 and 255, respectively), for the receipt of evidence on these petitions and full disposition thereof in connection with the transportation of electronic resistor equipment and articles and component parts.


3. Petition for Modification No. 343 in Case No. 5441 is dismissed without prejudice.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 10th day of
September, 1975.



President




Leonard Rosen

Commissioners

Commissioner Robert Batimovich, being
necessarily absent, did not participate
in the disposition of this proceeding.