

Decision No. 84913**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 ROSEANNE PIMENTEL, an individual,  
 and EARLE L. BLAKESLEE, an individual,  
 doing business as a partnership under  
 the fictitious name of CALIFORNIA  
 PACKAGE FREIGHT SYSTEMS for authority  
 to depart from the minimum rates, rules  
 and regulations of Minimum Rate Tariff  
 No. 2, pursuant to the provisions of  
 Section 3666 of the Public Utilities  
 Code.

Application No. 55833  
 (Filed July 25, 1975)

O P I N I O N

Roseanne Pimentel and Earle L. Blakeslee, a partnership, doing business as California Package Freight Systems, operate as a highway permit carrier of general commodities. By this application authority is sought to deviate from the minimum rates prescribed in Minimum Rate Tariff 2 (MRT 2) for the transportation of shipments weighing 100 pounds or less between various points within approximately 150 air miles of Oakland.

Applicant proposes to conduct a parcel delivery service competing with existing carriers which specialize in the transportation of small shipments or packages, generally weighing less than 100 pounds. On numerous occasions in the past this Commission has granted to these carriers authority to assess rates which are less than or at variance with the charges set forth in MRT 2.

Since the applicant must of necessity compete with these and other similarly situated carriers previously authorized by the Commission to assess rates which are at variance with the charges established in MRT 2, it seeks herein similar rate relief to assess charges which are basically in accord with those charges now being assessed by the above-described carriers pursuant to authority of this Commission.

The relief sought herein is consistent with the Commission's position as expressed in J. S. Aaronson (1961) 58 CPUC 533:

"The ultimate issue herein is whether the petitioner should be exempted from the requirements of Minimum Rate Tariff 2. A granting of such exemption presupposes that the established minimum rates are not suitable, reasonable, or proper for the operations by petitioner. . . . We have found that minimum rates in Minimum Rate Tariff 2 are not the minimum reasonable rates for parcel delivery service by carriers wholly engaged in conducting parcel delivery operations and, hence, have exempted carriers operating solely as parcel delivery carriers from said minimum rates. . . . Exemptions were first granted in 1939 by Decision No. 31606. Those carriers granted exemptions were common carriers maintaining tariffs naming the rates they assessed. Since that time, exemptions have been granted to high-way permit carriers who do not maintain schedules of rates. Ordinarily the operating permits of those carriers have been restricted to the transportation of shipments not exceeding 100 pounds... It appears that such restriction is not sufficient to restrict the operation to a parcel service at parcel rates.

" . . . We are of the opinion that henceforth, whenever any highway carrier requests authority to depart from the provisions of the established minimum rates, the order granting such relief should prescribe the minimum rates to be assessed by that carrier in lieu thereof. In the case of a parcel delivery carrier, the establishment or approval of minimum parcel rates to be assessed by it will remove the possibility of any abuse of the exemption granted." (Emphasis supplied.)

The minimum rate exemption sought by applicant fully conforms with the criteria set forth in the Aaronson decision. Moreover, if the sought relief is granted, applicant would then enjoy an equality of competitive opportunity with other parcel delivery carriers serving the same general area.

The Commission finds that:

1. The rates, rules, and charges named in MRT 2 are not appropriate, reasonable, or otherwise proper for the parcel delivery service performed by California Package Freight Systems.
2. The sought exemption from the otherwise governing provisions of MRT 2 for the transportation of shipments weighing 100 pounds or less at rates and charges not less than those specified in Appendix A hereof has been shown to be reasonable.
3. The minimum rate exemption authority as proposed by applicant fully conforms with the criteria prescribed in Aaronson, supra.
4. A public hearing is not necessary.

The Commission concludes that Application No. 55833 should be granted to the extent set forth in the ensuing order.

O R D E R


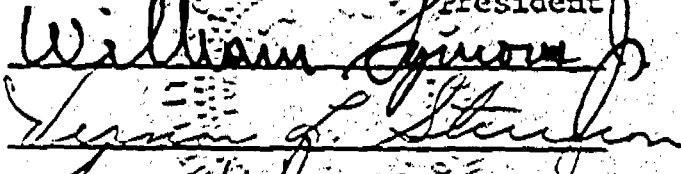
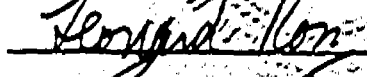
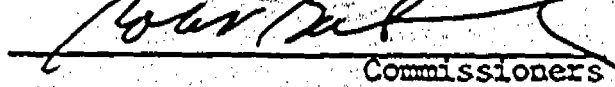
IT IS ORDERED that:

1. Roseanne Pimentel and Earl L. Blakeslee dba California Package Freight Systems are authorized to transport shipments weighing 100 pounds or less at rates less than and different from the otherwise governing minimum rates to the extent and in the manner set forth in Appendix A attached hereto and by this reference made a part hereof.

2. The authority granted herein shall expire on December 31, 1975 unless sooner modified, canceled, or extended by order of the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 16th  
day of SEPTEMBER, 1975.

  
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President  
  
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Vernon L. Sturgen  
  
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Leonard R. Con  
  
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Commissioners

APPENDIX A  
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California Package Freight Systems

Application

1. The rates set forth herein are applicable only to the transportation of packages weighing 100 pounds or less between points set forth herein.
2. The rate for the transportation of a package between points within the same zone, as described on the Zone Schedule attached hereto, shall be the rate provided in the attached Rate Schedule for that zone.
3. The rate for the transportation of a package between points in two zones shall be the rate applicable to the higher of the two zones, as prescribed in the attached Rate Schedule.

Rules

1. The rates herein apply only when the released value or declared value is 50 cents per pound or less, and the maximum value per package or article is \$100 or less.
2. Shipments transported under the rates herein are subject to all the provisions of Minimum Rate Tariff 2, except as provided herein.
3. The rates herein do not apply to same-day service.
4. An additional charge of \$1.00 will be assessed for each C.O.D. shipment received for collection.
5. If the carrier is unable to deliver any shipment because of incorrect address, shipper will be assessed a charge of 85 cents for either the subsequent delivery or carrier's attempt to deliver to correct address.
6. All charges must be paid by the shipper.

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California Package Freight Systems

Parcel Package Rates

<u>Weight</u>	<u>Zones</u>		<u>Weight</u>	<u>Zones</u>		<u>Weight</u>	<u>Zones</u>	
	<u>1</u>	<u>2</u>		<u>1</u>	<u>2</u>		<u>1</u>	<u>2</u>
1-10	1.00	1.10	41	2.39	2.81	72	3.79	4.51
11	1.05	1.16	42	2.44	2.86	73	3.84	4.57
12	1.09	1.21	43	2.49	2.92	74	3.88	4.62
13	1.14	1.27	44	2.53	2.97	75	3.93	4.68
14	1.18	1.32	45	2.58	3.03	76	3.97	4.73
15	1.23	1.38	46	2.62	3.08	77	4.02	4.79
16	1.27	1.43	47	2.67	3.14	78	4.06	4.84
17	1.32	1.49	48	2.71	3.19	79	4.11	4.90
18	1.36	1.54	49	2.76	3.25	80	4.15	4.95
19	1.41	1.60	50	2.80	3.30	81	4.20	5.01
20	1.45	1.65	51	2.85	3.36	82	4.24	5.06
21	1.50	1.71	52	2.89	3.41	83	4.29	5.12
22	1.54	1.76	53	2.94	3.47	84	4.33	5.17
23	1.59	1.82	54	2.98	3.52	85	4.38	5.23
24	1.63	1.87	55	3.03	3.58	86	4.42	5.28
25	1.68	1.93	56	3.07	3.63	87	4.47	5.34
26	1.72	1.98	57	3.12	3.69	88	4.51	5.39
27	1.77	2.04	58	3.16	3.74	89	4.56	5.45
28	1.81	2.09	59	3.21	3.80	90	4.60	5.50
29	1.86	2.15	60	3.25	3.85	91	4.65	5.56
30	1.90	2.20	61	3.30	3.91	92	4.69	5.61
31	1.95	2.26	62	3.34	3.96	93	4.74	5.67
32	1.99	2.31	63	3.39	4.02	94	4.78	5.72
33	2.04	2.37	64	3.43	4.07	95	4.83	5.78
34	2.09	2.42	65	3.47	4.13	96	4.87	5.83
35	2.13	2.48	66	3.52	4.18	97	4.92	5.89
36	2.17	2.53	67	3.56	4.24	98	4.96	5.94
37	2.22	2.59	68	3.61	4.29	99	5.01	6.00
38	2.26	2.64	69	3.66	4.35	100	5.05	6.05
39	2.31	2.70	70	3.70	4.40			
40	2.35	2.75	71	3.75	4.46			

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California Package Freight System

Zone Schedule

<u>Zone</u>	<u>City</u>	<u>Zone</u>	<u>City</u>
2	Acampo	2	Citrus Heights
2	Aerojet	2	Clovis
1	Agnew	1	Colma
1	Alameda	2	Concord
2	Alamo	2	Corte Madera
1	Albany	1	Cupertino
1	Alviso		
2	Antioch	1	Daly City
2	Aptos	2	Danville
1	Atherton	2	Davis
2	Athlone	2	Delhi
2	Atwater	2	Diablo
1	Avon	2	Dixon
		2	Dublin
2	Beale AFB		
1	Belmont	1	El Cerrito
2	Belvedere	2	El Sobrante
2	Benicia	1	Emeryville
2	Berenda	1	Evergreen
1	Berkeley		
2	Boyes Hot Springs	2	Fairfax
2	Brentwood	2	Fairfield
1	Brisbane	2	Fairmead
2	Broderick	2	Fair Oaks
2	Bryte	2	Florin
1	Burlingame	2	Folsom
		2	Fort Ord
2	Calwa	1	Foster City
1	Cambrian Park	2	Freedom
1	Campbell	1	Fremont
2	Capitola	2	Fresno
2	Carmel		
2	Carmichael	2	Gilroy
2	Castle AFB	2	Greenbrae
1	Castro Valley	2	Gridley
2	Castroville		
2	Ceres		
2	Chowchilla		

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Zone Schedule  
(Continued)

<u>Zone</u>	<u>City</u>	<u>Zone</u>	<u>City</u>
2	Hamilton Field	2	Mill Valley
1	Hayward	1	Milpitas
2	Healdsburg	2	Minturn
2	Hercules	2	Miramar SM Co
2	Herndon	2	Modesto
2	Highway City	1	Moffett Field
1	Hillsborough	2	Monterey
1	Hillsdale	1	Monte Sereno
2	Hollister	2	Moraga
1	Kensington	1	Mountain View
2	Keys	2	Morgan Hill
2	Kingsburg	2	Napa
2	Lafayette	2	Naval Weapons Sta. (Concord)
2	Larkspur	1	Newark
2	Lingard	1	Niles
2	Livermore	2	North Highlands
2	Livingston	2	North Sacramento
2	Lodi	2	Novato
1	Los Altos	2	Oakdale
2	Los Gatos	1	Oakland
2	Madera	2	Oakley
2	Madera AFB	2	Orinda
2	Malaga	2	Pacifica
2	Manteca	2	Pacific Grove
2	Mare Island	1	Palo Alto
2	Marina	2	Pebble Beach
2	Marin City	2	Petaluma
2	Marinwood	1	Piedmont
2	Martinez	2	Pinedale
2	Matther AFB	2	Pinole
2	McClelland AFB	2	Pittsburg
1	Menlo Park	2	Pleasant Hill
2	Merced	2	Pleasant Grove
1	Milbrae	2	



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Zone Schedule  
(Continued)

<u>Zone</u>	<u>City</u>	<u>Zone</u>	<u>City</u>
2	Pleasanton	2	Santa Cruz
2	Port Chicago	2	Santa Rosa
1	Portola Valley	1	Saratoga
1	Presidio of SF	2	Sausalito
1	Rancho Cordova	2	Seaside
1	Redwood City	2	Sebastopol
2	Rheem Valley	2	Selma
1	Richmond	2	Sonoma
2	Rio Linda	2	Soquel
2	Ripon	1	South San Francisco
2	Rodeo	2	Stockton
2	Rhonert Park	2	Suisun City
2	Ross	1	Sunnyvale
2	Roseville	2	Sumol
2	Sacramento	2	Tiburon
2	Salida	2	Tracy
2	Salinas	2	Travis AFB
2	San Anselmo	1	Treasure Island
1	San Bruno	2	Turlock
1	San Carlos	1	Union City
1	San Francisco	2	Vacaville
1	San Jose	2	Vallejo
2	San Juan Bautista	2	Walnut Creek
1	San Leandro	2	Watsonville
1	San Lorenzo	2	West Sacramento
2	San Martin	2	Windsor
1	San Mateo	2	Woodland
2	San Pablo	1	Woodside
2	San Quentin		
2	San Rafael		
2	San Ramon		
1	Santa Clara		