

Decision No. 85041**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Millicent E. Adams doing business as
MICK'S DELIVERY SERVICE for authority
to depart from the minimum rates,
rules and regulations of Minimum Rate
Tariff No. 2, pursuant to the pro-
visions of Section 3666 of the Public
Utilities Code.

Application No. 55901
(Filed August 28, 1975)

O P I N I O N

Applicant Millicent E. Adams, doing business as Mick's Delivery Service, operates 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) and Minimum Rate Tariff 1-B (MRT 1-B) for the transportation of shipments weighing 100 pounds or less between points within Alameda and Contra Costa Counties.

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 MRTs 2 and 1-B, she 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. 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 MRTs 2 and 1-B are not appropriate, reasonable, or otherwise proper for the parcel delivery service performed by applicant.

2. The sought exemption from the otherwise governing provisions of MRTs 2 and 1-B 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. 55901 should be granted to the extent set forth in the following order.

O R D E R

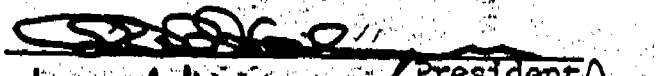
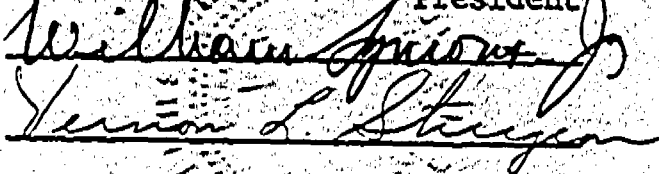
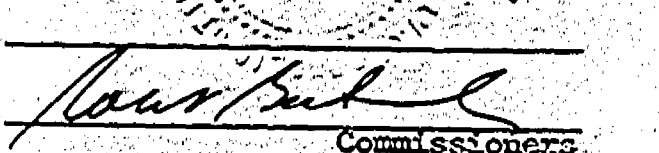
IT IS ORDERED that:

1. Millicent E. Adams, doing business as Mick's Delivery Service, is 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 21st
day of OCTOBER, 1975.


President

Commissioners

Commissioners

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A
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MILLCENT E. ADAMS
dba
MICK'S DELIVERY SERVICE

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 area shall be the rate provided in the attached Rate Schedule for that area.
3. The rate for the transportation of a package between points in two areas shall be the rate applicable to the higher of the two areas, as prescribed in the attached Rate Schedule.
4. A charge of 50 cents shall be made for each pickup stop at a consignor's place of business in addition to the charge determined by paragraphs 2 or 3 above.

Rules and Restrictions

1. No package weighing in excess of 100 pounds nor measuring more than 160 inches (length and girth combined) will be accepted for delivery. A maximum weight of 100 pounds destined for a single consignee will be picked up at any one time.
2. Shipper will pay all charges.
3. Carrier will make pickups only on weekdays--Monday through Friday; no Saturday, Sunday, or holiday pickups will be made.
4. Carrier will be liable to shipper for loss of or damage to packages of merchandise entrusted to it for delivery in the amount of 80 percent of the selling price thereof, but not to exceed \$100 for any one package, such limitations to be effective whether or not such loss or damage has been due to the negligence of the delivery service.
5. An additional charge of 85 cents will be assessed for each C.O.D. collection.

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6. Carrier will accept checks tendered by consignee for C.O.D. packages, unless shipper gives written instructions on C.O.D. delivery address tag and on C.O.D. manifest to collect cash only. Carrier will not assume responsibility for validity of checks tendered in payment of C.O.D. collections. If carrier fails to collect any C.O.D. and such failure is not reported by the consignor to the carrier within 15 days after receipt by the delivery company of the package bearing such C.O.D., the consignor shall be deemed to have waived its right to hold the delivery company responsible for such failure.
7. The return of a package, which for any reason is returned to the consignor, after once having been delivered to the correct address, will be charged for at the same rate as charged for the original delivery thereof, provided the order to return the package is given the carrier by, and the charges are paid by, the original consignor, or his agent.
8. The rate herein will not apply to any shipment with an origin and destination wholly within a single city.
9. The rate herein will apply only to wholesale parcel delivery service. Wholesale parcel delivery service means the transportation of packages and parcels moving between wholesalers, jobbers, dealers, distributors, industries, retail stores, offices, commercial houses, schools, hospitals, clubs, governmental agencies, and institutions.

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MICK'S DELIVERY SERVICE

Rate Schedule

Area A: Cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont.

Area B: All points within Alameda and Contra Costa Counties, except those points included in Area A.

Applicable Rates

<u>Pounds</u>	<u>Area A</u>	<u>Area B</u>	<u>Pounds</u>	<u>Area A</u>	<u>Area B</u>
1-20	\$1.50	\$1.70			
21	1.55	1.76	61	\$3.35	\$3.96
22	1.59	1.81	62	3.39	4.01
23	1.64	1.87	63	3.44	4.07
24	1.68	1.92	64	3.48	4.12
25	1.73	1.98	65	3.53	4.18
26	1.77	2.03	66	3.57	4.23
27	1.82	2.09	67	3.62	4.29
28	1.86	2.14	68	3.66	4.34
29	1.91	2.20	69	3.71	4.40
30	1.95	2.25	70	3.75	4.45
31	2.00	2.31	71	3.80	4.51
32	2.04	2.36	72	3.84	4.56
33	2.09	2.42	73	3.89	4.62
34	2.13	2.47	74	3.93	4.67
35	2.18	2.53	75	3.98	4.73
36	2.22	2.58	76	4.02	4.78
37	2.27	2.64	77	4.07	4.84
38	2.31	2.69	78	4.11	4.89
39	2.36	2.75	79	4.16	4.95
40	2.40	2.80	80	4.20	5.00
41	2.45	2.86	81	4.25	5.06
42	2.49	2.91	82	4.29	5.11
43	2.54	2.97	83	4.34	5.17
44	2.58	3.02	84	4.38	5.22
45	2.63	3.08	85	4.43	5.28
46	2.67	3.13	86	4.47	5.33
47	2.72	3.19	87	4.52	5.39
48	2.76	3.24	88	4.56	5.44
49	2.81	3.30	89	4.61	5.50
50	2.85	3.35	90	4.65	5.55
51	2.90	3.41	91	4.70	5.61
52	2.94	3.46	92	4.74	5.66
53	2.99	3.52	93	4.79	5.72
54	3.03	3.57	94	4.83	5.77
55	3.08	3.63	95	4.88	5.83
56	3.12	3.68	96	4.92	5.88
57	3.17	3.74	97	4.97	5.94
58	3.21	3.79	98	5.01	5.99
59	3.26	3.85	99	5.06	6.05
60	3.30	3.90	100	5.10	6.10