

Decision No. 85220

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation
for the purpose of considering and
determining minimum rates for
transportation of any and all
commodities statewide including,
but not limited to, those rates
which are provided in Minimum Rate
Tariff 2 and the revisions or
reissues thereof.

Case No. 5432
Petition for Modification
No. 863
(Filed June 25, 1975;
amended October 14, 1975)

O P I N I O N

Aero Speed Mail Service, Inc. (Aero Speed), a California corporation, operates as a radial highway common and highway contract carrier throughout the State of California. By this petition, as amended, it seeks to depart from the minimum rates set forth in Minimum Rate Tariff 2 (MRT 2) for the transportation of shipments weighing 100 pounds or less between the Greyhound Bus Depot in Sacramento and points within 15 air miles of the depot. The Commission takes official notice that the Greyhound Bus Depot is located at 7th and L Streets within the territorial exception set forth in Item 30(c) of MRT 2 for Sacramento.

Aero Speed proposes to assess a charge of \$1.35 per shipment. It also requests authority to depart from the credit rule provisions set forth in Item 250 of MRT 2 so that it may render freight bills for the proposed service at billing periods not exceeding one month following the delivery date of the shipments.

The petition alleges that:

1. For the past seven years petitioner, as the official agent for Greyhound Bus Lines in Sacramento, has been providing the service proposed herein to customers of Greyhound whose places of business are located within the Sacramento city limits.

2. In recent years, industry in Sacramento has expanded to the point that a large percentage of Sacramento's business firms are located outside of the city limits.
3. Throughout the past seven years while petitioner has provided the service proposed herein, it has done so under the city exemption at rates lower than the minimum rates and can not therefore provide said service to any place of business which is located outside of the Sacramento city limits. This situation is not conducive to the best public interest since it discriminates against those firms which are located outside of the Sacramento city limits but which patronize bus package express to a greater extent than many firms which are located within those same city limits.
4. This petition is made with the knowledge and approval of Greyhound Bus Lines and also of several of Greyhound's customers, who because of their firm's location are not eligible to receive the service proposed herein.
5. The granting of the petition would in no way adversely affect any other carrier in the Sacramento area.

The petition and amendment thereto were served upon the California Trucking Association and were noticed on the Commission's Daily Calendar. No objections to the granting of the petition, as amended, have been received.

Findings

1. Shipments between the Greyhound Bus Depot in Sacramento and points within the territorial exemption set forth in Item 30(c) of MRT 2 are presently exempt from the minimum rates set forth in MRT 2.
2. Shipments between the Greyhound Bus Depot in Sacramento and points beyond the territorial exemption set forth in Item 30(c) of MRT 2 are subject to the minimum rates set forth in MRT 2.

3. Aero Speed is presently assessing the \$1.35 rate proposed herein for shipments presently exempt from MRT 2 as set forth in MRT 2.

4. Aero Speed's proposal would equalize the rates for transportation to all points within a 15-mile radius of the Sacramento Greyhound Bus Depot.

5. The proposed rate is reasonable and justified.

The Commission concludes that the petition should be granted as set forth in the ensuing order.

Since conditions under which the service is performed may change at any time, the authority granted in the ensuing order will expire at the end of one year unless sooner canceled, modified, or extended by order of the Commission.

O R D E R

IT IS ORDERED that:

1. Aero Speed Mail Service, Inc, is authorized to depart from the minimum rates set forth in Minimum Rate Tariff 2 by charging those rates set forth in Appendix A of this decision. This authority does not include any deviation from any rates, rules, or regulations except as specifically set forth in Appendix A.

2. The authority granted shall expire one year after the effective date of this order unless sooner canceled, modified, or extended by order of the Commission.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of DECEMBER, 1975.

William F. Lyons President
Robert Batnovich
John R. ...

Commissioners

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

APPENDIX A

Carrier: Aero Speed Mail Service, Inc.

Commodity: Shipments weighing 100 pounds or less having prior or subsequent movement by Greyhound Bus Lines.

Between: Greyhound Bus Terminal, 7th and I Streets, Sacramento, and points within 15 air miles of said depot.

Rate: \$1.35 per shipment.

Rule: Freight bills to be presented to debtors within one month following date of delivery.