

Decision No. 85793

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 general
commodities within San Diego
County as provided in Minimum
Rate Tariff 9-B and the revisions
or reissues thereof.

Case No. 5439
Petition for Modification
No. 271
(Filed March 22, 1976)

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. 885
(Filed March 22, 1976)

O P I N I O N

Joseph L. Perna, doing business as Action Courier, operates as a radial highway common carrier. By these petitions, he 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 and bank

documents and related articles.^{1/}

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 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."

1/ Petitioner seeks exemption from MRTs 2 and 9-B for the transportation in courier service of the following commodities:

- (1) checks, drafts, transit items, sales audit items, business records, plans, tabulation cards, data processing materials, legal documents, and printed matter, and
- (2) human and animal specimens contained in glass or plastic tubes or vials or vials of whole blood and blood serum for medical laboratory examination; individual units of whole blood; glass slides for microscopic tissue examination; urine and stool specimens; sputum, wound, and other similar cultures; tissue samples for pathological examination; x-ray photographs; medical transmittal documents; and documents reporting results of laboratory examination; and specimen envelopes; laboratory test forms; and transmittal containers furnished by medical laboratories to their clients.

2/ American Courier Corporation and MPA Courier Corporation in Decision No. 76236, 70 CPUC 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 CPUC 260; and Loomis Courier Service in Decision No. 78585.

Copies of the petitions were mailed to California Trucking Association. The petitions were listed on the Commission's Daily Calendar. No protest or request for hearing has 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 that the requested exemption is justified. The Commission concludes that the petitions should be granted. Inasmuch as there is no known opposition to the granting of the relief sought, the order herein will be made effective on the date of issuance.

O R D E R

IT IS ORDERED that Joseph L. Perna 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) Specimens for medical laboratory examination; individual units of whole blood; x-ray photographs; medical documents and forms; specimen envelopes, glass slides, and containers.

- (b) Checks, drafts, money orders, data processing documents, legal documents, sales audit items, business records and statements, tabulation cards, securities, and reproduced documents or data.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 11th
day of MAY, 1976.

William J. Brown President
Vernon L. Sturgeon
Leonard J. Cox
Robert Bateman Commissioners