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Decision No. 85894

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. 870  
(Filed October 21, 1975)

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. 259  
(Filed October 21, 1975)

In the Matter of the Investigation for the purpose of considering and determining minimum rates for transportation of general commodities in the Counties of Contra Costa, Lake, Marin, Mendocino, Monterey, Napa, San Benito, San Mateo, Santa Clara, Santa Cruz, Solano and Sonoma, and in the County of Alameda and in the City and County of San Francisco as provided in Minimum Rate Tariffs 1-B and 19, respectively, and the revisions or reissues thereof.

Case No. 5441  
Petition for Modification  
No. 347  
(Filed October 21, 1975)

John L. Glovka, Attorney at Law, for petitioner.  
Charles D. Gilbert and Herbert W. Hughes, for  
California Trucking Association, interested  
party.  
Harry E. Cush, for the Commission staff.

O P I N I O N

Pursuant to authority granted by Decisions Nos. 65794 and 83679 Loomis Courier Service, Inc. (Loomis) is exempt from observance of the rates, rules, and regulations in Minimum Rate Tariffs 1-B, 2, 9-B, and 19 in connection with the transportation of certain commodities when transported in vehicles having a licensed weight of 4,000 pounds or less.

By the within petitions Loomis requests that the limitation specifying that the transportation be performed in vehicles having a licensed weight of 4,000 pounds or less be deleted.

Public hearing was held before Examiner O'Leary at San Francisco on February 23, 1976 at which time appearances were directed to file late-filed exhibits which have been received. There being no requests from the parties for further hearings regarding the late-filed exhibits the petitions are submitted and are now ready for decision.

Evidence presented by Loomis discloses that it utilizes Ford Econoline vehicles predominantly for the transportation which is the subject of these petitions. Loomis began using the Econoline vans several years ago when their licensed weight (unladen weight) was less than 4,000 pounds. The licensed weight of the current model Econoline vehicles exceeds 4,000 pounds. The primary cause of the increase in weight is emission controls and safety devices.

Loomis urges that the vehicle weight limitation be eliminated but recognizes that the Commission may desire to change the weight limitation rather than eliminate it. Loomis further urges that should the Commission choose the latter that the weight limitation be based on the manufacturer's stated carrying capacity rather than licensed or unladen weight. Loomis points out that such a limitation would eliminate the need for further amendments to the exemption in the event more devices are added to the vehicles in the future increasing the licensed or unladen weight of the vehicles. The manufacturer's stated carrying capacity of the Econoline-type vehicles Loomis intends to purchase is not more than 4,000 pounds.

Findings

1. Loomis is exempt from observance of the rates, rules, and regulations in Minimum Rate Tariffs 1-B, 2, 9-B, and 19 in connection with the transportation of certain commodities when transported in vehicles having a licensed weight of 4,000 pounds or less.

2. Loomis utilizes Ford Econoline vehicles predominantly for the transportation set forth in Finding 1.

3. Current model Ford Econoline vehicles have a licensed weight exceeding 4,000 pounds because of the addition of emission controls and safety devices.

4. The manufacturer's stated carrying capacity of the Ford Econoline vehicles petitioner intends to use is not more than 4,000 pounds.

5. A limitation based on the manufacturer's stated carrying capacity would accomplish the limitation as to type of vehicle to be utilized originally intended by the Commission when issuing the exemption authority.

The Commission concludes that the petitions should be granted to the extent set forth in the ensuing order.

O R D E R

IT IS ORDERED that:

1. Loomis Courier Service, Inc. is exempted from observance of the rates, rules, and regulations in:

Minimum Rate Tariff 1-B  
Minimum Rate Tariff 2  
Minimum Rate Tariff 9-B and  
Minimum Rate Tariff 19

in connection with the transportation of checks, drafts and/or money orders (moving in process of clearance between banks and/or clearing houses), legal documents, business records, audit media, and tabulation cards; human and animal specimens, contained in glass or plastic tubes 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; dental and orthodontic devices; medical transmittal documents and documents reporting results of laboratory examination; specimen envelopes; laboratory test forms; and transmittal containers furnished by medical laboratories to their clients when transported in a vehicle with a manufacturer's stated carrying capacity not exceeding 4,000 pounds.

2. The authority granted herein supersedes the authority granted to Loomis Courier Service, Inc. by Decisions Nos. 65794 and 83679.

3. To the extent not granted herein Petitions for Modification Nos. 870, 259, and 347 in Cases Nos. 5432, 5439, and 5441, respectively, are denied.

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

Dated at San Francisco, California, this 2nd day of JUNE, 1976.

William J. Lyons President  
James L. Livingston  
L. Ross  
Paul Batumil Commissioners