

Decision No. 85836

ORIGINAL

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 Patrick L. Barnes, an individual  
 doing business as BARNES PACKAGE  
 EXPRESS SERVICE, for authority to  
 transport shipments of 100 pounds or  
 less at less than the minimum rates  
 prescribed in Minimum Rate Tariffs  
 Nos. 1-B and 2 pursuant to Section  
 3666 of the Public Utilities Code.

Application No. 56031  
 (Filed October 29, 1975;  
 amended March 8, 1976)

INTERIM OPINION

Applicant Patrick L. Barnes, doing business as Barnes Package Express Service, a highway permit carrier, seeks authority to assess \$1.35 per shipment for shipments weighing 100 pounds or less between various points in the San Francisco Bay Area. The requested rate would apply only to property from or to a terminal of a passenger stage corporation and have prior or subsequent movement as an express shipment. A rate of \$1.00 is proposed for such service when the origin and destination are within the city of Oakland.

Bus Express Service (Bus) and California Trucking Association (CTA) oppose ex parte consideration of this application. The amended application seeks interim relief ex parte on the grounds that applicant will lose a substantial portion of the business he now enjoys. He further asserts that interim authority will permit the development of operational and cost data related directly to the proposed service.

The present minimum rate for the transportation involved ranges from \$3.20 to \$8.80 per shipment.<sup>1/</sup> Applicant's income statement for January 1, 1975 through July 31, 1975 indicates a gross income of \$9,521. Applicant is engaged primarily in providing the type of service which is the subject of this application.

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<sup>1/</sup> Minimum charges, Minimum Rate Tariffs 1-B and 2.

We note that Bus is now authorized to perform the same kind of service here in question in the same general area for a rate of \$1.25 per shipment. Several other competitors have either authority to deviate from the minimum rates or hold limited exemption. It appears however that Bus is the most likely direct competitor of the proposed service. In view of applicant's proposed rate of \$1.35 (excluding intra-Oakland operations) it would not appear that an interim authorization pending hearing would result in giving applicant an improper competitive advantage.

After consideration we find that authority should be granted for an interim period, during which applicant should develop actual operating and cost data to be presented at a public hearing.

Undue hardship may result from further delay of this matter, therefore this order will be made effective on the date hereof.

INTERIM ORDER

IT IS ORDERED that:

1. Patrick L. Barnes, doing business as Barnes Package Express Service is authorized to depart from the minimum rates set forth in Minimum Rate Tariffs 1-B and 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 six months after the effective date of this order unless sooner canceled, modified, or extended by order of the Commission.

3. A public hearing shall be scheduled on this application at a date to be set.

The effective date of this order is the date hereof.

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

William J. Aguilar Jr. President  
Veronica L. Ferguson  
Alon  
Robert Bateman Commissioners

APPENDIX A

A charge of \$1.35 per shipment weighing 100 pounds or less between points within the territory encompassed by the East Bay Metropolitan Zone Group, the Hayward-Milpitas Metropolitan Zone Group, and the San Jose Metropolitan Zone Group as described on Page 237 of Distance Table 7 in connection with property transported from or to a terminal of a passenger stage corporation and having prior or subsequent movement as an express shipment. Except that on shipments having both their origin and destination within the city limits of Oakland, the charge shall be \$1.00 per shipment.

Freight bills will be rendered for the above-described transportation at billing periods not exceeding one month following the date the property is delivered.