

Decision No. 86033**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
 of Albert R. Scialabba, dba )  
 CAL PARCEL EXPRESS for authority )  
 to deviate from the minimum rates, )  
 rules and regulations of Minimum )  
 Rate Tariff No. 2, pursuant to )  
 the provisions of Section 3666 )  
 of the Public Utilities Code. )

Application No. 56493  
 (Filed May 19, 1976)

OPINION AND ORDER

By this application, Albert R. Scialabba, doing business as Cal Parcel Express, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with transportation of shipments weighing less than 100 pounds between points within 100 miles of San Jose.<sup>1</sup>

The application is based on special circumstances and conditions detailed therein.

Revenue and expense data submitted by applicant indicate that the transportation involved may reasonably be expected to be profitable under the proposed rates.

The application was listed on the Commission's Daily Calendar of May 21, 1976. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that applicant's proposal is reasonable to the extent hereinafter indicated. The sought credit rule relief has not been justified and will not

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<sup>1</sup> The present charge, exclusive of applicable surcharge, and the proposed charge for representative parcel shipments are:

<u>Shipment Weighing</u>	<u>Present Charge</u>	<u>Proposed Charge</u>
10 Pounds	\$ 5.50	\$ 1.15
50 Pounds	\$ 6.65	\$ 3.15
99 Pounds	\$ 8.50	\$ 5.60

be authorized. A public hearing is not necessary. The Commission concludes that the application should be granted as set forth in the ensuing order and the effective date of this order should be the date hereof because there is an immediate need for this relief.

IT IS ORDERED that:

1. Albert R. Scialabba is authorized to perform the transportation shown in Appendix A attached hereto and by this reference made a part hereof at not less than the rates set forth therein.

2. The authority granted herein shall expire with December 31, 1976, unless sooner cancelled, modified or extended by further order of the Commission.

3. In all other respects, Application 56493 is denied without prejudice.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 29<sup>th</sup> day of June, 1976.

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President  
*William Lyman J.*  
*Lyman L. Stinson*  
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*Robert R. Lunn*  
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Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

Albert R. Scialabba, doing business as Cal Parcel Express, is authorized to assess a rate of 65 cents per package plus 5 cents per pound for the transportation of shipments weighing less than 100 pounds within a radius of 100 miles of the City of San Jose subject to the following conditions:

Conditions:

1. The rates in this appendix do not apply to transportation of shipments within the San Francisco Territory consisting of property transported to or from a terminal of a passenger stage corporation and having a prior or subsequent movement as an express shipment.
2. The rates in this appendix apply only when the released or declared value is 50 cents per pound or less, and the maximum value per package or article is \$100 or less.
3. Shipments transported under rates named in this appendix are subject to all provisions of Minimum Rate Tariff 2, except as provided herein.
4. The rates named in this appendix do not apply to same-day service.

(End of Appendix A)