

Decision No. 86263**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Virgil's Delivery)
 Service, Inc., for relief under)
 Section 3666 to name a lesser)
 rate than the minimum established)
 rate in MRT 2 on volume small)
 shipments.)

Application No. 56454
 (Filed May 3, 1976)

OPINION AND ORDER

By this application, Virgil's Delivery Service, Inc., a corporation, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of shipments weighing 500 pounds or less between points within 70 miles of Los Angeles Metropolitan Zone 229.¹

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

¹ The present shipment charges, exclusive of applicable surcharges, and the proposed shipment charges for representative shipments within the Metropolitan Los Angeles Area are:

<u>Weight in Pounds</u>		<u>Present Charges</u>	<u>Proposed Charges</u>
<u>Over</u>	<u>But Not Over</u>		
0	25	550	533
25	50	665	644
50	75	760	737
75	100	850	824
100	150	1025	994
150	200	1190	1153
200	250	1365	1323
250	300	1485	1440
300	400	1775	1724
400	500	1935	1877

The application was listed on the Commission's Daily Calendar of May 5, 1976. California Trucking Association objected to the ex parte handling of this matter without stating any specific grounds for protest. However, revenue and expense data submitted by applicant are sufficient to determine that the transportation involved may reasonably be expected to be profitable under the proposed charges.

In the circumstances, the Commission finds that applicant's proposal is reasonable. 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 rate relief.

IT IS ORDERED that:

1. Virgil's Delivery Service, Inc., a corporation, 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 one year after the effective date of this order unless sooner cancelled, modified or extended by further order of the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 17th day of August, 1976.

I dissent as to the date hereof being the effective date. When we have a protest and do not hear a case the best we could do is make it effective in 30 days. William Lyons

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

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Commissioner Vernan L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner

APPENDIX A

Virgil's Delivery Service, Inc., a corporation, is authorized to assess not less than the following charges for the transportation of shipments weighing 500 pounds or less between points within a radius of 70 miles of Los Angeles (MZ 229):

<u>Weight in Pounds</u>		<u>Charges in Cents</u> <u>Per Shipment</u>
<u>Over</u>	<u>But Not Over</u>	
0	25	533
25	50	644
50	75	737
75	100	824
100	150	994
150	200	1153
200	250	1323
250	300	1440
300	400	1724
400	500	1877

Conditions:

1. The above charges shall apply on five or more shipments tendered by one shipper at one time on one unit of carrier's equipment.
2. Shipments shall be prepaid.
3. Shipments shall be released to a valuation of 50 cents per pound or less per article.
4. The charges set forth above shall not apply to transportation of shipments weighing over 500 pounds or containing any commodity rated above Class 100.
5. The charges herein shall not apply to shipments weighing less than 100 pounds which contain more than five pieces or to shipments which contain more than five pieces per 100 pounds or fraction thereof.
6. The following shipments will not be accepted:
 - (a) C.O.D. shipments.
 - (b) Shipments which require temperature control service.
 - (c) Shipments which have origin or destination on steamship docks, oil well sites, or construction sites.

APPENDIX A

7. The aforementioned charges shall not apply to personal effects, baggage or used household goods.
8. Applicant has not indicated that subhaulers will be engaged nor have any costs of subhaulers been submitted. Therefore, if subhaulers are employed, they shall be paid no less than the rates authorized herein.
9. In all other respects, the rates and rules in Minimum Rate Tariff 2 shall apply.

(END OF APPENDIX A)