

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Pam's, The Delivery Service by its consultant Roy Gray & Associates for authority to deviate from the provisions of Transition Tariff No. 2 pursuant to the provisions of Section 3666 of the Public Utilities Code in connection with the transportation of shipments weighing 500 pounds or less.

Application 83-10-52
(Filed October 31, 1983;
amended December 2, 1983)

O P I N I O N

Pam's, The Delivery Service (Pam's), a California corporation, operates as a highway common carrier under a certificate of public convenience and necessity issued in accordance with the provisions of Public Utilities (PU) Code § 1063.5. It also holds a highway contract carrier permit. By this application Pam's seeks exemption from the provisions of Transition Tariff 2 when transporting shipments weighing 500 pounds or less to, from, and between points not in excess of 150 miles of Santa Ana, under the following conditions:

1. Shipments must be transported in a vehicle with a licensed weight not exceeding 4,500 pounds;
2. Shipments must be picked up and delivered within a 24-hour period;
3. Rates to be assessed shall be in excess of those stated in Transition Tariff 2.

In support of its request Pam's alleges the following:

1. The carrier presently operates a courier service, transporting shipments which are exempt from rate regulation, within a radius of 150 miles of Santa Ana.
2. The carrier has received and continues to receive many requests from various shippers having movements of non-exempt commodities which require expeditious handling between the points and places located in the area described above.
3. The carrier offers specialized transportation services, for which there are no provisions or rates stated in Transition Tariff 2.

¹ In accordance with paragraph 2 of the reregulation program outlined in Decision (D.) 90663, Case 5432, Petition 884, the following transportation is exempt from economic rate regulation:

"Shipments of the following commodities, when transported by carriers engaged in courier service: (1) Business Records, viz.; checks, drafts, money orders, securities, transit items, sales audit media, tabulation cards, data processing materials, legal documents, printed "or reproduced documents" or data and related items, video tapes, films and printed news stories; (2) Medical specimens, viz.; human and animal specimens, contained in glass or plastic tubes or vials, or whole 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. Courier Service is defined as operations having the following characteristics: (a) A carrier vehicle fleet consisting of only vehicles having a licensed weight of 4,500 pounds or less; (b) Delivery shall be made within 24 hours after pickup."

4. The carrier proposes to assess rates based on one of three different types of service offered. These services are:
 - a. Direct Service: Direct non-stop service between origin and destination.
 - b. Rush Service: Ninety minutes maximum delivery time if the shipment is moving within Los Angeles and/or Orange Counties; five hours maximum delivery time if the shipment is moving outside of Los Angeles and/or Orange Counties or south of Mission Viejo.
 - c. Regular Service: Five hours maximum delivery time for shipments moving within Los Angeles and/or Orange Counties except south of Mission Viejo; twenty-four hours maximum delivery time for all other points.

When Pam's initially filed its request it cited as the enabling statute PU Code § 3666. Section 3666 applies to situations where a carrier desires to perform a transportation service at less than established minimum rates. Therefore, Pam's amended its application, stating that it now seeks its exemption under the provisions of General Order (GO) 147. GO 147 sets forth rules and regulations governing tariff filings by highway common carriers and contract filings by highway contract carriers during the transition program of the Commission's reregulation period. But Pam's request is for a total exemption from the provisions of Transition Tariff 2.

We provided by D.90663 (supra) for exemption from economic rate regulation the transportation of specific commodities and hauling performed in certain geographic areas. We have amended the scope of exempt transportation by D.82-06-091, dated June 15, 1982 in OII 85. But we have not indicated in any decision issued in connection with our reregulation programs that we would exempt any individual carrier's operations from rate regulation based upon circumstances peculiar to such individual operations.

Pam's asserts it will assess rates higher than those named in Transition Tariff 2. In such a situation, GO 147 provides the procedure for carriers to follow in filing contract or tariff rates at the desired levels. If there is a class of carriers, such as those performing courier type transportation services, who believe there is a need for their operations to be exempted from economic rate regulation, such carriers should be considered and treated generically rather than individually in order that no individual carrier will receive undue advantage.

Findings of Fact

1. Pam's desires to have certain of its operations exempted from the provisions of Transition Tariff 2.

2. We have not indicated in any decision issued in connection with our reregulation program that operations of individual carriers will be exempted from rate regulation.

Conclusion of Law

The application should be denied.

O R D E R

IT IS ORDERED that Application 83-10-52 is denied.

This order becomes effective 30 days from today.

Dated JUN 6 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.
President

VICTOR CALVO

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

Commissioner Priscilla C. Grew,
being necessarily absent, did
not participate

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director