

ORIGINAL

Decision 89 08 009 AUG 3 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
UNITED PARCEL SERVICE, INC., for )  
authority to increase certain of )  
its rates for common carrier parcel )  
delivery service. )

Application 88-12-039  
(Filed December 20, 1988)

SUPPLEMENTAL OPINION

This application was filed on December 20, 1988 to request authority to increase United Parcel Service rates for various services enumerated in Local Parcel Tariff No. 20. Cash on Delivery (C.O.D.) rates covered in tariff Item 80-G were to be raised from \$2.20 to \$2.75 per item.

A protest was filed on January 25, 1989 by Neal Siegel, doing business in San Francisco as Nesco Electronics. The protest was filed after numerous telephone calls and meetings and was limited to contesting the proposed increase in C.O.D. charges.

Applicant was losing money on all delivery operations and the filing of the application was timed to blend with other applications filed throughout the United States. An analysis of protestant's operation revealed that granting the application would increase his weekly C.O.D. expenses by \$32.45.

The application was granted by Decision (D.) 89-02-033 dated February 8, 1989. Ordering Paragraph 4 of said decision orders that a hearing be scheduled for the limited purpose of considering the C.O.D. rates. Paragraph 5 directs that intrastate rates collected for C.O.D. service after the rate increase will be subject to rebate if said increase is found to be unjustified.

The hearing ordered by the decision was scheduled and held in San Francisco on May 23, 1989. Applicant was the only party represented at the hearing. The protestant failed to appear. Protestant notified a staff representative two days before the

hearing that he would not be present. He did not want to dismiss the protest because he thought someone else might appear as a protestant.

Under the circumstances, the protest should be denied and the decision should be affirmed.

Findings of Fact

1. Protestant did not attend a hearing scheduled to enable him to substantiate his protest.

2. Protestant notified the Commission prior to the hearing that he would not appear and that he did not wish to withdraw the protest.

3. Applicant's counsel and witnesses attended the hearing at considerable expense to applicant.

Conclusion of Law

1. The protest should be denied.

2. Ordering Paragraphs 4 and 5 of D.89-02-033 should be deleted from said decision.

SUPPLEMENTAL ORDER

IT IS ORDERED that:

1. The protest is denied.

2. Ordering Paragraphs 4 and 5 of D.89-02-033 are hereby set aside and deleted from said decision.

3. In all other respects, D.89-02-033 shall remain in full force and effect.


This order is effective today.

Dated AUG 3 1989, at San Francisco, California.

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
Commissioners

Commissioner Stanley W. Hulett,  
being necessarily absent, did not  
participate.

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

  
Victor Weisser, Executive Director