

Decision 91 09 080

SEP 25 1991

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
PET LIMO, INC., a California corporation,))	
Seeking Exemption from Rate Regulation)	Application 91-04-031
of Domestic Household Pets Weighing 300)	(Filed April 25, 1991)
pounds or Less When Transported in)	
Vehicles Having a Licensed Weight of)	
5500 Pounds or Less.)	
)	
)	
)	

OPINION

Pet Limo, Inc. (Applicant) is a California corporation operating out of Los Angeles, California. A certified copy of its Articles of Incorporation is retained in Commission File T-158,517. Applicant holds authority as a highway contract carrier for the transportation of general freight.

By this application Applicant requests the Commission to add to its list of "Commodities and Geographic Areas Exempt from Rate Regulation" (Exempt List) an additional provision relating to the transportation of household pets as follows:

"Domestic household pets weighing 300 pounds or less when transported in vehicles having a licensed weight of 5500 pounds or less."

Applicant specializes in the transportation of household pets (such as canines, felines, birds, monkeys and rabbits) as well as pet food and supplies. Applicant's shippers are pet owners, veterinary pet hospitals, boarding kennels and establishments providing pet grooming service.

Applicant exclusively operates mini-vans with a licensed weight of 5500 pounds or less. The transportation service consists of pick up and delivery of pets to and from homes, veterinary locations, boarding kennels and grooming facilities. The vans are custom fitted, temperature controlled, windowless to minimize outside noise and distractions, and equipped with color televisions and radios to simulate a living room environment for the pets.

Applicant currently furnishes transportation for its shippers under the Exempt List provision of "shipments weighing 100 pounds or less when transported exclusively in vehicles having a licensed weight of 5500 pounds or less, transported from origin to destination in the same vehicle, and delivered or tendered for delivery the same calendar day as picked up."

It is within this exemption that Applicant provides services to its shippers since most shipments of pets weigh 100 pounds or less. However, Applicant has received requests for transportation beyond the limits of the exemption, viz., the combined weight of three large dogs equal to approx. 300 pounds. Further, Applicant's specialized operation lends itself to contract carriage. However, under the provisions of General Order (G.O.) 147-C, Applicant would be required to enter into continuing written contracts with its shippers, which is not practicable.

Upon review of the application, Transportation Division staff expressed concerns to the Applicant that the request, as framed, would exempt all carriers providing said transportation.

By a letter dated June 12, 1991, Applicant has modified the application to now request an individual departure from all rules in G.O. 147-C, for said transportation. This modification would apply only to the Applicant's operation and would not modify the "Exempt List".

Applicant asserts this request does not involve actions which significantly affect energy efficiency.

The application was noticed in the Commission's Daily Transportation Calendar. No objection has been received to our granting the application. The Commission's Transportation Division Staff recommends the modified application be granted.

Finding of Fact

1. Pet Limo, Inc. is a highway contract carrier which specializes in the transportation of pet animals in customized mini-vans.

2. Said transportation is currently provided under the provisions of the "Exempt List".

3. Applicant has received requests for transportation beyond the limits of the Exempt List provisions, e.g., pets in excess of the 100 pound limit.

4 Applicant requested an addition to the Exempt List for the following provision:

Domestic household pets with a total weight of 300 pounds or less per shipment when transported in vehicles having a licensed weight of 5500 pounds or less gross vehicle weight.

5. Transportation Division staff had concerns that the request would exempt all carriers providing said transportation.

6. Applicant, by letter, modified application requesting an individual departure from all rules in General Order 147-C for the transportation described in Finding of Fact # 4.

7. The departure by the Applicant appears reasonable and necessary. Transportation Division staff supports the Applicant's modified request.

8. No protests have been received and no hearing is required.

Conclusion of Law

The application should be granted.

ORDER

IT IS ORDERED that PET LIMO, INC. is authorized to depart from General Order 147-C for the following transportation: "Domestic household pets weighing 300 pounds or less when transported in vehicles having a licensed weight of 5500 pounds or less."

This order is effective twenty days from today.

Dated SEP 25 1991, at San Francisco, California.

I abstain

G. MITCHELL WILK
Commissioner

PATRICIA M. ECKERT
President

JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SHULMAN, Executive Director