

ORIGINAL

Decision 82 07 064 JUL 7 - 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
Edward K. Bernal doing business as )  
Access Delivery Service to modify )  
Decision No. 93437 to extend the )  
exemption from Transition Tariff )  
regulation for its courier-type )  
service to AMFAC's distribution )  
facility in Oakland. )

Application 82-05-21  
(Filed May 7, 1982)

O P I N I O N

By this application, Edward K. Bernal (Bernal), doing business as Access Delivery Service, requests modification of Decision (D.) 93437 by extending the exemption for his courier-type service to Amfac Drug Supply Co.'s (Amfac), distribution facility in Oakland.

In D.93437, dated August 18, 1981, Bernal was granted the following exemption:

"...is exempt from the otherwise governing provisions of our reregulation program set forth in D.90663 and TTs 1-B, 2, and 19 when engaged in courier-type highway contract carrier transportation of drugs, prescription items, and pharmaceuticals for AMFAC from the shipper's distribution facility at Santa Clara."

Bernal states that Amfac has now requested that he provide service not only to Amfac's Santa Clara distribution facility, but also to Amfac's Oakland distribution facility. Bernal believes that the reason for the request from the shipper for the expanded service is directly related to the quality of service offered by him. Bernal further states that he believes that this quality of service is in a large part attributable to the fact that he is a small company, which allows maximum control over the service and an immediate response to any problems that may develop in his service to Amfac.

Bernal further requests that if this request is granted, the order be made effective on the date of signature as he has been requested by Amfac to provide this new service as soon as possible.

The application was listed on the Commission's Daily Calendar of May 11, 1982. No objection to the granting of the application has been received.

The proposal is not a major action significantly affecting energy efficiency within the meaning of Sections 3502.1 and 3502.2 of the Public Utilities Code.

Findings of Fact

1. Bernal by D.93437 has been granted an exemption for courier-type transportation of drugs, prescription items, and pharmaceuticals for Amfac's distribution facility at Santa Clara.

2. Bernal, at Amfac's request, now seeks authority to extend the exemption for courier-type transportation of drugs, prescription items, and pharmaceuticals for Amfac's distribution facility at Oakland.

3. Based on the special facts and circumstances shown, the requested exemption is justified and is just and reasonable for the courier-type transportation of drugs, prescription items, and pharmaceuticals by Bernal for Amfac from the shipper's Oakland distribution facility.

4. "The Commission may exempt selected commodity transportation from rate regulation under Division 2 of the Code." (D.90663 mimeograph copy, Conclusion 8, page 12.) Among other things, Division 2 governs highway contract carriers.

5. The following order has no reasonably foreseeable impact upon the energy efficiency of highway carriers.

6. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted as set forth in the order.

2. Since there is an immediate need for this courier-type transportation from Amfac's Oakland distribution facility, the order which follows should be made effective on the date of signature.

O R D E R

IT IS ORDERED that D.93437 is modified to read:

"Edward K. Bernal is exempt from the otherwise governing provisions of our reregulation program set forth in D.90663 and Transition Tariffs 1-B, 2, and 19 when engaged in courier-type highway contract carrier transportation of drugs, prescription items, and pharmaceuticals for Amfac Drug Supply Co. from the shipper's distribution facilities in Oakland and Santa Clara."

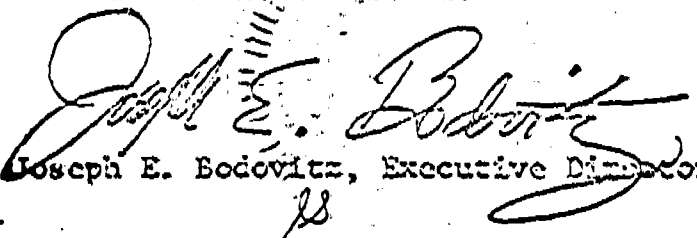
This order is effective today.

Dated JUL 7 1982, at San Francisco, California

RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

Commissioner John E. Bryson,  
being necessarily absent, did  
not participate.

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

  
Joseph E. Bodovitz, Executive Director