

Decision 83 06 017 AUG 3 1983

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SPRINT MESSENGER SERVICES, INC., a California Corporation, for a Certificate of Public Convenience and Necessity to operate as a highway common carrier in the transportation of General Commodities in intrastate and interstate and foreign commerce.

Application 83-01-30
(Filed January 17, 1983;
amended March 3, 1983
and March 28, 1983)

O P I N I O N

Sprint Messenger Services, Inc. (applicant), a California corporation, requests a certificate of public convenience and necessity authorizing operations as a highway common carrier in intrastate, interstate, and foreign commerce for the transportation of shipments weighing ten pounds or less when transported in vehicles not exceeding a licensed weight of 4,000 pounds between all points within the Los Angeles Basin Territory. Applicant does not hold any operating authority nor is it engaged in the transportation of any commodities.

In providing service under the authority requested, applicant proposes a daily "on call" pickup service, Monday through Friday, inclusive. Further, applicant proposes a two-hour delivery time, mileage permitting, on shipments called in before 3:00 p.m. In addition to serving the general public as set forth here, applicant proposes to file pleadings and other documents with the State and Federal Courts for attorneys throughout the proposed service area.

The application states that:

"Applicant is not operational at this time and proposes when becoming operational to lease automobiles, pick-ups and/or motorcycles to facilitate its operations. Applicant is prepared to add to its fleet of leased equipment whatever additional vehicles that may become necessary to conduct efficient operations."

Appendix C attached to the application discloses that applicant has a 1979 Chevrolet Camaro under lease.

Applicant alleges that public convenience and necessity require the proposed service for the following reasons:

- "(1) Applicant has had numerous requests by proposed shippers, to wit, law firms which require documents to be filed with various State and Federal Courts. Further, said proposed shippers have indicated that they need a service such as Applicant proposes which is familiar with the filing requirements of said State and Federal Courts, the obtaining signatures on various documents from clerks and/or judges on said documents and in general, being familiar with the Court system. Further, Applicant has had requests by other shippers, not law firms, who have indicated that they have had difficulty obtaining a pick up and a delivery on said pick up within a one and one-half to two hour period. Said shippers have indicated that time is of the essence on these emergency shipments and that said same must be delivered forthwith. These proposed shippers have also indicated that it is difficult to have a document delivered to a specific person in any firm. To the contrary, they have indicated that most messenger services merely deliver to a corporation, to wit, at the receptionist and/or another area and not to a specific person which is required. Said proposed

shippers have also indicated that they have had difficulty obtaining a break down of billing statements, that is, they obtain a monthly bill with no break down as to how the charges were arrived. In the transportation industry, it is common that a daily pick up time for a shipper be present. However, proposed shippers have indicated to Applicant that small shipments weighing ten (10) pounds or less are difficult to have a daily pickup at a specific time.

- "(2) During the past few years, there has been a substantial increase in population and industry within the Los Angeles basin territory, the proposed service area of Applicant. Applicant herein alleges that the proposed services are not now available from other carriers to compensate for said increase in population and industry.
- "(3) Applicant herein alleges that with the recent de facto deregulation, that entry into the transportation industry is such that Applicant should be granted authority to operate as herein requested. Further, that no adverse competition will result from Applicant's entry into the transportation industry reflecting the apparent need and necessity as indicated by various shippers who have communicated with Applicant.
- "(4) Applicant further is informed and believes and thereon alleges, that a lack of adequate transportation services of the type and nature proposed to be rendered by Applicant, to, from and between the points and places herein sought to be served, exist.
- "(5) Applicant is fully capable of providing an effective highway common carrier service to, from and between all points and places of said proposed service and would be enabled to render a more complete and effective service to members of the shipping public as a result of the services herein proposed.

"(6) Applicant intends to interline shipments with Federal Express and other air carriers because Applicant intends to be doing business in the harbor area with brokers and also as delineated supra, with various attorneys. Import and export brokers have a need and necessity to transport various documents interstate on a regular and frequent basis. Said need and necessity has been indicated to applicant as viable and present. With similarity, attorneys have indicated to Applicant that while practicing in the Federal Courts, they have requirements to transport documents as between the states and as between attorneys. Therefore, there exists a need and necessity in these two areas, to wit, import/export brokers and attorneys in the area of interstate shipments. Said need and necessity is in excess of the other proposed shippers within the Los Angeles Basin Territory as described supra."

In Decision 85539 dated March 9, 1976 in Application 55990, Personal Attorney Service, the Commission found that the transportation of legal documents incidental to the primary business of process and court service is exempt from our jurisdiction. Thus, applicant is placed on notice that no authority from this Commission is needed for that type of service. We will consider here only the courier type service proposed that does not fall under such an exemption.

Letters have been received from several prospective shippers of other than legal documents stating they will use applicant's services. The letters are received in evidence as Exhibit 1.

Appendix B, attached to the application contains a balance sheet, as of January 3, 1983, which discloses one asset of cash in the amount of \$9,927 and no liabilities. It also contains a projected statement of income for the year ending December 31, 1983 which projects income of \$50,000; expenses of \$46,815; and a resultant net income before taxes of \$3,185.

Notice of the filing of the application and the first and second amendment to it appeared on the Commission's Daily Transportation Calendars of January 21, March 11, and March 30, 1983, respectively. Notice that the application was filed and that it seeks interstate rights was published in the Federal Register on February 14, 1983.

No protests have been received.

Findings of Fact

1. Applicant requests authority to operate as a highway common carrier, in intrastate, interstate, and foreign commerce of shipments weighing ten pounds or less, using vehicles not exceeding licensed weight of 4,000 pounds, between points in the Los Angeles Basin Territory.

2. Applicant does not hold any operating authority.

3. Applicant is financially able and possesses the necessary equipment to conduct the proposed service.

4. Several shippers have submitted letters supporting the application.

5. Public convenience and necessity require that applicant be authorized to engage in operations in intrastate commerce as proposed in the application and also require that applicant be authorized to engage in operations in interstate and foreign commerce within limits which do not exceed the scope of the intrastate operations authorized by this decision.

6. No protests have been received.

7. A public hearing is not necessary.

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

9. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusion of Law

Applicant has demonstrated public convenience and necessity, and the application should be granted. The territory of the certificate does not exceed the geographical scope of the proposed operation as published in the Federal Register.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Sprint Messenger Services, Inc., a California corporation, authorizing it to operate as a highway common carrier, as defined in PU Code § 213 between the points listed in Appendix A.
2. Applicant shall:
 - a. File a written acceptance of this certificate within 30 days after this order is effective.
 - b. Establish the authorized service and file tariffs within 120 days after this order is effective.
 - c. State in its tariffs when service will start; allow at least 10 days' notice to the Commission' and make tariffs effective 10 or more days after this order is effective.
 - d. Comply with General Orders Series 80, 100, 123, and 147, and the California Highway Patrol safety rules.

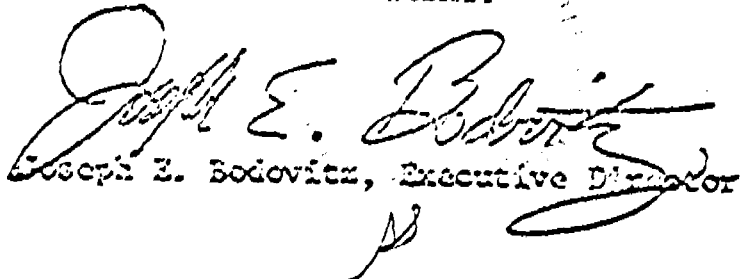
- e. Maintain accounting records in conformity with the Uniform System of Accounts.
- f. Comply with General Order Series 84 (collect-on-delivery shipments). If applicant elects not to transport collect-on-delivery shipments, it shall file the tariff provisions required by that General Order.
- g. Comply with General Order Series 102 and 130. If applicant elects to engage subhaulers, applicant shall have the required bond on file, and applicant shall engage only highway carriers who hold appropriate operating authority granted by this Commission.

This order becomes effective 30 days from today.

Dated AUG 3 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.
President
VICTOR CALVO
FRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director

Sprint Messenger Services, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined in Public Utilities Code Section 213 for courier-type transportation within the Los Angeles Basin Territory, as described in Note A.

- Restrictions: 1. Service shall be limited to shipments weighing ten pounds or less, and transported in vehicles not exceeding a licensed weight of 4,000 pounds.

Note A:

LOS ANGELES BASIN TERRITORY

Los Angeles Basin Territory includes that area embraced by the following boundary: Beginning at the point the Ventura County-Los Angeles County boundary line intersects the Pacific Ocean; northeasterly along the county line to the point it intersects State Highway 118, approximately two miles west of Chatsworth; easterly along State Highway 118 to Sepulveda Boulevard; northerly along Sepulveda Boulevard to Chatsworth Drive; northeasterly along Chatsworth Drive to the corporate boundary of the City of San Fernando; westerly and northerly along the corporate boundary of the City of San Fernando to Maclay Avenue; northeasterly along Maclay Avenue and its prolongation to the Angeles National Forest boundary; southeasterly and easterly along the Angeles National Forest and San Bernardino National Forest boundary to Mill Creek Road (State Highway 38); westerly along Mill Creek Road to Bryant Street; southerly along Bryant Street to and including the unincorporated community of Yucaipa; westerly along Yucaipa Boulevard to Interstate Highway 10; northwesterly along Interstate Highway 10 to Redlands Boulevard; northwesterly along Redlands Boulevard to Barton Road; westerly along Barton Road to La Cadena Drive; southerly along La Cadena Drive to Iowa Avenue; southerly along Iowa Avenue to State Highway 60; southeasterly along State Highway 60 and Interstate Highway 15 to Nuevo Road; easterly along Nuevo Road via Nuevo and Lakeview to State Highway 79; southerly along State Highway 79 to State Highway 74; westerly to the

Issued by California Public Utilities Commission.

Decision 83 08 017, Application 83-01-30.

corporate boundary of the City of Hemet; southerly, westerly, and northerly along the corporate boundary to The Atchison, Topeka & Santa Fe right-of-way; southerly along the right-of-way to Washington Road; southerly along Washington Road through and including the unincorporated community of Winchester to Benton Road; westerly along Benton Road to Winchester Road (State Highway 79) to Jefferson Avenue; southerly along Jefferson Avenue to Interstate Highway 15; southerly along Interstate Highway 15 to the Riverside County-San Diego County boundary line; westerly along the boundary line to the Orange County-San Diego County boundary line; southerly along the boundary line to the Pacific Ocean; northwesterly along the shoreline of the Pacific Ocean to point of beginning, including the point of March Air Force Base.

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

83 08 017

Decision _____, Application 83-01-30.