

ORIGINAL

Decision No. 86744

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of Walter J. Royle, Inc., (dba )  
TRF Delivery Service) a California )  
Corporation for authority to )  
depart from the provisions of )  
Minimum Rate Tariff 2. )

Application No. 56737  
(Filed September 7, 1976)

OPINION AND ORDER

By this application, Walter J. Royle, Inc., a corporation, doing business as TRF Delivery Service, requests authority to deviate from the provisions of Minimum Rate Tariff 2 in connection with the transportation of shipments weighing 100 pounds or less between various points in southern California.<sup>1</sup>

The application is based on special circumstances and conditions detailed therein.

The application was listed on the Commission's Daily Calendar of September 8, 1976. California Trucking Association (CTA) objected to the ex parte handling of this matter stating that the sought authority is not "nearly identical" to the one granted to Adams Delivery Service pursuant to Decision 85216. CTA alleges that the Adams deviation: (1) applies only to the transportation of

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<sup>1</sup>The minimum charges, exclusive of applicable surcharges, and the proposed charges in cents per shipment for representative shipments are as follows:

From Los Angeles to	Present Charges		Proposed Charges	
	50 Pounds	100 Pounds	50 Pounds	100 Pounds
San Fernando	665	850	305	610
San Diego	665	850	360	715

drugs and sundries; (2) is restricted to unitized shipments containing not less than 50 individual packages; (3) is subject to released value provisions; and (4) sets forth rates which are considerably higher than those sought herein. CTA avers that the sought authority does not contain: (1) a limitation concerning the commodities to be transported; (2) a restriction on the number of individual packages which will constitute a shipment; and (3) released value provisions. CTA contends that there are severe operational cost differences between the extremes of Metropolitan Los Angeles and points in San Diego County and believes that applicant's statement that its "zone 2 is so close to zone 1 that it almost does not deserve an increase over zone 1" cannot be supported by any evidence.

Applicant responded to CTA's protest stating that: (1) a parcel is a parcel no matter what the content; (2) it would be unfair to restrict a shipper to an exact amount each day; (3) Adams Delivery Service requested a released value because drugs automatically have a released value; (4) most parcels are not subject to released value provisions; (5) putting such released value provisions on its parcels would cause shippers to become selective in their shipping practices and result in loss of business to it; and (6) its rate levels are based on its cost.

Revenue and expense data submitted by applicant are sufficient to determine that the transportation involved may reasonably be expected to be profitable under the proposed rates.

Applicant is placed on notice that, should its operations be between fixed termini or over a regular route, it should apply for a highway contract carrier permit.

In the circumstances, the Commission finds that applicant's proposal is reasonable. A public hearing is not necessary. The Commission concludes that the application should be granted

as set forth in the ensuing order and the effective date of this order should be the date hereof because there is an immediate need for this relief.

IT IS ORDERED that:


1. Walter J. Royle, Inc., a corporation, is authorized to perform the transportation shown in Appendix A attached hereto and by this reference made a part hereof at not less than the rates set forth therein.

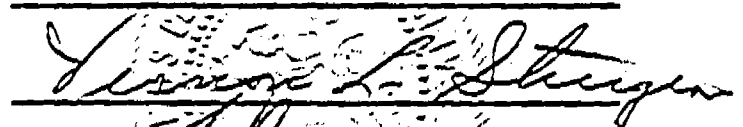
2. The authority granted herein shall expire one year after the effective date of this order unless sooner cancelled, modified or extended by further order of the Commission.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of December, 1976.

*I will file a dissent.  
William S. Grouse, Jr.*

  
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President

  
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Commissioner

  
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Commissioners

APPENDIX A  
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WALTER J. ROYLE, INC.  
(a California corporation,  
doing business as TRF Delivery Service)

APPLICATION

1. The rates set forth herein are applicable to the transportation of shipments weighing 100 pounds or less between points set forth herein. No shipment may contain more than one package or piece.
2. The rate for the transportation of a package between points within the same zone, as described on the attached zone schedule, shall be the rate provided in the attached rate schedule for that zone.
3. The rate for the transportation of a package between points in two zones shall be the rate applicable to the higher of the two zones.
4. These rates apply only as proportional rates in connection with the transportation of packages having had an immediate prior movement by highway carrier as part of a shipment containing individual packages for subsequent re-shipment by Walter J. Royle, Inc.
5. These provisions will not apply when Walter J. Royle, Inc., provides pickup service in connection with any shipment or package transported.
6. When the weight of a package is a fraction of a pound, the weight shall be increased to the next whole figure.

RULES

1. The rates herein do not apply to same-day service. As used herein the term "same-day service" means that no individual package or shipment can be delivered on the same day that it is picked up by any highway carrier as part of the unitized shipment.
2. A charge of 85 cents shall be assessed for each C.O.D. shipment.

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3. Shipper will be assessed a charge of 85 cents if carrier is unable to deliver because of a bad address that requires redelivery.
4. All charges must be paid by the shipper.
5. Applicant has not indicated that subhaulers will be engaged nor have any costs of subhaulers been submitted. Therefore, if subhaulers are employed, they shall be paid no less than the charge authorized herein without any deduction for use of applicant's trailing equipment.
6. Shipments transported under the rates herein are subject to all provisions of MRT 2.

ZONE SCHEDULE

Zone 1  
Metropolitan Los Angeles  
as described in Item 270-3  
of Minimum Rate Tariff 2

Zone 2

City of Riverside  
Corona  
Dana Point  
El Toro  
Laguna Beach

Mission Viejo  
Newbury Park  
Norco  
San Diego County  
San Juan Capistrano

Thousand Oaks  
Upland  
Westlake Village

## PROPORTIONAL RATE SCHEDULE

Rates in Dollars and Cents Per Package

<u>Pounds</u>	<u>Zone 1</u>	<u>Zone 2</u>	<u>Pounds</u>	<u>Zone 1</u>	<u>Zone 2</u>
1	.60	.66	51	3.15	3.71
2	.65	.72	52	3.20	3.77
3	.70	.78	53	3.25	3.83
4	.75	.84	54	3.30	3.89
5	.80	.90	55	3.35	3.95
6	.85	.96	56	3.40	4.01
7	.90	1.02	57	3.45	4.07
8	.95	1.08	58	3.50	4.13
9	1.00	1.14	59	3.55	4.19
10	1.05	1.20	60	3.60	4.25
11	1.10	1.26	61	3.65	4.31
12	1.15	1.32	62	3.70	4.37
13	1.20	1.38	63	3.75	4.43
14	1.25	1.44	64	3.80	4.49
15	1.30	1.50	65	3.85	4.55
16	1.35	1.56	66	3.90	4.61
17	1.40	1.62	67	3.95	4.67
18	1.45	1.68	68	4.00	4.73
19	1.50	1.74	69	4.05	4.79
20	1.55	1.80	70	4.45	5.20
21	1.60	1.86	71	4.51	5.27
22	1.65	1.92	72	4.56	5.33
23	1.70	1.98	73	4.62	5.40
24	1.75	2.04	74	4.67	5.46
25	1.80	2.10	75	4.73	5.53
26	1.85	2.16	76	4.78	5.59
27	1.90	2.22	77	4.84	5.66
28	1.95	2.28	78	4.89	5.72
29	2.00	2.34	79	4.95	5.79
30	2.05	2.40	80	5.00	5.85
31	2.10	2.46	81	5.06	5.92
32	2.15	2.52	82	5.11	5.98
33	2.20	2.58	83	5.17	6.05
34	2.25	2.64	84	5.22	6.11
35	2.30	2.70	85	5.28	6.18
36	2.35	2.76	86	5.33	6.24
37	2.40	2.82	87	5.39	6.31
38	2.45	2.88	88	5.44	6.37
39	2.50	2.94	89	5.50	6.44
40	2.55	3.00	90	5.55	6.50
41	2.60	3.06	91	5.61	6.57
42	2.65	3.12	92	5.66	6.63
43	2.70	3.18	93	5.72	6.70
44	2.75	3.24	94	5.77	6.76
45	2.80	3.30	95	5.83	6.83
46	2.85	3.36	96	5.88	6.89
47	2.90	3.42	97	5.94	6.96
48	2.95	3.48	98	5.99	7.02
49	3.00	3.54	99	6.05	7.09
50	3.05	3.60	100	6.10	7.15

(END OF APPENDIX A)

A. 56737 -

Walter J. Royle, Inc. dba  
TRF Delivery Service

COMMISSIONER WILLIAM SYMONS, JR., Dissenting

This decision granting applicant a deviation is defective for the reasons previously set forth in detail in my August 24, 1976, dissenting opinion to Decision Nos. 86274 through 86279. The decision is granted ex parte, despite legitimate questions being raised by protestant -- its request for a hearing is overridden. Likewise, the decision is made effective immediately, and it contains the boiler-plate language which is becoming so common in these decisions:

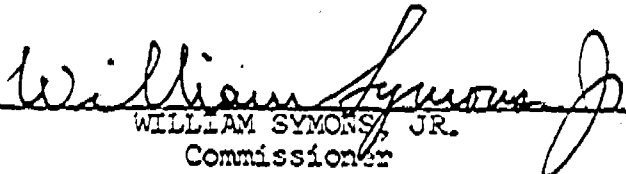
"The application is based on special circumstances and conditions detailed therein."

and.

"Revenue and expense data submitted by applicant are sufficient to determine that the transportation involved may reasonably be expected to be profitable under the proposed rates."

Thereby, the majority avoids setting forth any facts about the special circumstances of the transportation which a person might review to see if the deviation is justified.

San Francisco, California  
December 14, 1976

  
WILLIAM SYMONS, JR.  
Commissioner