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Decision No. 86771

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ADAMS DELIVERY SERVICE, INC., a California Corporation, for authority to depart from the provisions of Minimum Rate Tariff 2.	Application No. 56867 (Filed November 12, 1976)

INTERIM OPINION

Applicant operates as a radial highway common and highway contract carrier. Applicant is authorized to depart from the provisions of Minimum Rate Tariff 2 (MRT 2) for the transportation of parcels weighing 100 pounds or less pursuant to Decision No. 85216 as amended by Decision No. 86241 in Application No. 55645. This authority is scheduled to expire December 31, 1976. Applicant also is authorized to depart from the provisions of MRT 2 for the transportation of shipments weighing 101 to 500 pounds pursuant to Decision No. 86373 in Application No. 56519 which authority is scheduled to expire September 14, 1977. The above-listed authorities apply to transportation from applicant's terminal at Oakland as proportional charges in connection with the transportation of shipments having had an immediate prior movement by highway carrier as part of a unitized shipment for subsequent reshipment by applicant.

Applicant alleges that it also holds authority, pursuant to Decision No. 83236 in Application No. 54970, which will expire December 31, 1976, to depart from the provisions of MRT 2 for the pickup and delivery of parcels weighing 100 pounds or less.

Applicant states that the above decisions represent the complete scope of its operation.

Applicant seeks to extend the expiration dates of the above-described authorities to December 31, 1977 and also seeks certain modifications of the authorities. Applicant also requests that its present deviation authorities be consolidated into one decision in the interest of saving time for applicant and the Commission when renewal is sought.

Applicant's allegation as to the expiration date of Decision No. 83236 is erroneous. Review of Decision No. 83236 discloses that the authority granted therein was scheduled to expire December 31, 1974. On December 17, 1974 by Order No. SDD-307 applicant was granted authority similar to that set forth in Decision No. 83236 at rates higher than those specified in Decision No. 83236 to expire December 31, 1975. The authority was not subsequently extended and therefore is not currently in effect as it expired December 31, 1975. The expiration dates of Decision No. 85216 as amended by Decision No. 86241 and Decision No. 86373, are as represented by applicant.

Decision No. 86373 is an interim opinion and order covering the authority scheduled to expire September 14, 1977. Finding 2 of that decision states:

> "Applicant shall develop detailed cost data for the aforementioned transportation during the interim period of this authority for presentation at a public hearing."

In the circumstances the Commission finds that:

1. The authorities granted by Decision No. 83236 and Order No. SDD-307 (dated December 17, 1974) have expired.

2. The expiration date of Decision No. 86373 should not be extended beyond September 14, 1977 at this time.

3. The expiration date of Decision No. 85216, as amended by Decision No. 86241, should be extended to September 14, 1977 to coincide with the expiration date of Decision No. 86373.

4. A public hearing should be held for the taking of evidence with respect to modifications proposed.

5. The effective date of this order should be the date hereof as there is an immediate need for the relief granted herein.

INTERIM ORDER

IT IS ORDERED that:

1. The expiration date of Decision No. 85216, as amended by Decision No. 86241 in Application No. 55645, is extended to September 14, 1977.

2. A public hearing shall be scheduled on this application at a date to be set.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 21st day of DECEMBER, 1976.

I will file a dissent.
William Symons, Jr.
Commissioner

President

Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

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Adams Delivery Service, Inc.

COMMISSIONER WILLIAM SYMONS, JR., Dissenting

Even in the case of the most recently granted deviation authority (Decision No. 86373 dated September 14, 1976) Applicant has had ample time to secure operating cost data sufficient to go to hearing next month.

Nine months' extension of the deviation authority is unnecessary and excessive.

San Francisco, California
December 21, 1976

William Symons Jr.
WILLIAM SYMONS, JR.
Commissioner