

ORIGINAL

Decision No. 87317

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
tion for the purpose of consid-)
ering and determining minimum)
rates for transportation of any)
and all commodities statewide)
including, but not limited to,)
those rates which are provided)
in Minimum Rate Tariff 2 and the)
revisions or reissues thereof.)

Case No. 5432
Petition for Modification
No. 928
(Filed November 16, 1976)
(Amended February 11, 1977)

In the Matter of the Investiga-)
tion for the purpose of consid-)
ering and determining minimum)
rates for transportation of)
general commodities within San)
Diego County as provided in)
Minimum Rate Tariff 9-B and the)
revisions or reissues thereof.)

Case No. 5439
Petition for Modification
No. 295
(Filed November 16, 1976)
(Amended February 11, 1977)

INTERIM OPINION AND ORDER

Thompson Photo Service, Inc., a corporation, is authorized to operate as a highway contract carrier for the transportation of general commodities subject to the provisions contained in Minimum Rate Tariffs 2 (MRT 2) and 9-B (MRT 9-B). By these petitions, as amended, it seeks an exemption from the rates and rules named in MRTs 2 and 9-B for the "courier type" transportation of various commodities.

The petitions are based on special circumstances and conditions detailed therein.

The certificate of service indicates that petitioner has furnished California Trucking Association with a copy of the petitions and the amendments thereto. The petitions and amendments were listed on the Commission's Daily Calendar of November 17, 1976 and February 15, 1977, respectively.

California Trucking Association protested the ex parte handling of the original petitions whereby petitioner requested that it be exempted from the provisions of MRTs 2 and 9-B when it transports packages of ten pounds or less of films, pharmaceutical supplies, drugs and prescription items within San Diego and Imperial Counties in vehicles not to exceed the licensed weight of 4,500 pounds.

Petitioner subsequently filed amendments to the original petitions seeking instead an exemption from the rates and rules named in MRTs 2 and 9-B for the "courier type" transportation of various commodities.

In the circumstances, the Commission finds that petitioner intends to engage in a "courier type" transportation service for which competing carriers have heretofore been exempted from the otherwise governing minimum rates, and petitioner's request for similar relief has been shown to be justified to the extent herein-after indicated. The sought exemption on drugs, prescription items and pharmaceuticals has not been justified and a public hearing shall be scheduled concerning said sought exemption. The Commission concludes that the petitions 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 rate relief.

IT IS ORDERED that:

1. Thompson Photo Service, Inc., a corporation, is exempted from the otherwise governing provisions of Minimum Rate Tariffs 2 and 9-B when engaged in the "courier type" transportation of:
 - a. Human and animal blood, organs, specimens, medical and dental records and documents, X-ray photographs; and
 - b. Checks, drafts, money orders, transit items, mail, audit media, audit items, data processing materials, paper punch tapes, tabulating cards, exposed film, video tapes, legal documents, title

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policies and documents, radioactive pharmaceuticals, printed or reproduced material and business records;

when transported in vehicles not exceeding a licensed weight of 4,500 pounds.

2. Public hearing shall be scheduled on the petitions at a date to be set in connection with petitioner's sought exemption on drugs, prescription items and pharmaceuticals.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 10th day of MAY, 1977.

*I dissent as to the
effective date.*

William J. Lyons

Commissioner

Polat Batunich

President

Vernon L. Stengen

Richard D. Howell

Commissioners