

ORIGINAL

Decision No. 87832 SEP 7 1977

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investiga-)
tion for the purpose of consider-)
ing 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. 974
(Filed May 27, 1977)
(Amended June 30, 1977)

And Related Matters)

Case No. 5441
Petition for Modification
No. 398
(Filed May 27, 1977)
(Amended June 30, 1977)

OPINION AND ORDER

California Air Courier, Inc., a corporation, is authorized to operate as a radial highway common carrier. By these petitions, as amended, it seeks an exemption from the rates and rules named in Minimum Rate Tariffs 1-B, 2 and 19 for the "courier type" transportation of certain business records and medical specimens between the following airports and the communities they serve: Chico, Clear Lake, Lake Tahoe, Monterey, Novato, Placerville, Redding, Sacramento, San Francisco, San Jose, Santa Rosa, Truckee and Ukiah.

These petitions, as amended, are based on special circumstances and conditions detailed therein.

The petitions and amendments were listed on the Commission's Daily Calendar of June 1, 1977 and July 6, 1977, respectively. California Trucking Association, (CTA) protested the ex parte handling of this matter stating:

"In Decision 85703 dated April 20, 1976, the Commission defined courier service as follows:

'Courier service cannot be distinguished by the commodity, package size, or space, but rather the kind of service itself. It is more

akin to messenger service where quick response is made to a patron's needs for the speedy delivery of a parcel from one place to another. An on call service is usually an element in such service. The establishment of regular routes for a particular class or commodity such as drugs does not constitute courier service, regardless of the speed in which such delivery may be accomplished.'

"Proposed Petition does not appear to come within the Commission definition of courier service. Additionally, it appears that Petitioner's radial highway common carrier authority may be inadequate for the proposed operations."

Applicant's proposal is not unlike similar requests which have been granted. The authority will conform with that accorded many other carriers by specifically setting forth the commodities to be transported.

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 petitioner intends to engage in a "courier type" transportation service for which competing highway carriers have heretofore been exempted from the otherwise governing minimum rates and petitioner's request for similar relief has been shown to be justified. A public hearing is not necessary. The Commission concludes that the petitions should be granted to the extent indicated 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:

California Air Courier, Inc. is exempted from the otherwise governing provisions of Minimum Rate Tariffs 1-B, 2 and 19 when engaged in the "courier type" transportation of:

1. Checks, drafts, money orders, securities, transit items, sales audit media, tabulation cards, data processing materials, legal documents, printed or reproduced

documents or data and related items, video tapes, films and printed news stories;

- Human and animal specimens, contained in glass or plastic tubes or vials, or whole blood serum for medical laboratory examination; individual units of whole blood; glass slides for microscopic tissue examination; urine and stool specimens; sputum, wound and other similar cultures; tissue samples for pathological examination; X-ray photographs; medical transmittal documents, and documents reporting results of laboratory examination, and specimen envelopes; laboratory test forms and transmittal containers furnished by medical laboratories to their clients,

when transported in vehicles not exceeding a licensed weight of 4,500 pounds and serving the following airports:

Chico, Clear Lake, Lake Tahoe, Monterey, Novato, Placerville, Redding, Sacramento, San Francisco, San Jose, Santa Rosa, Truckee and Ukiah, on the one hand, and the communities such airports serve, on the other hand.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 7th day of SEPTEMBER, 1977.

I dissent
William J. ...

Robert Bateman
President

Robert P. Howell
Carl T. DeBrie
Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.