

ORIGINAL

Decision No. 87833 SEP 7 1977

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)
general commodities in the)
Counties of Contra Costa, Lake,)
Marin, Mendocino, Monterey,)
Napa, San Benito, San Mateo,)
Santa Clara, Santa Cruz, Solano)
and Sonoma, and in the County)
of Alameda and in the City and)
County of San Francisco as)
provided in Minimum Rate Tariffs)
1-B and 19 respectively, and)
the revisions or reissues there-)
of.)

Case No. 5441
Petition for Modification
No. 399
(Filed June 6, 1977)

OPINION AND ORDER

Leslie F. Burke, Gerald S. Cohn and Edgar R. Zablah doing business as Q.I.D. Delivery, operate as a highway permit carrier. By this petition, they seek exemption from the minimum rates and rules named in Minimum Rate Tariff 19 for the "courier type" transportation of various commodities.

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

The petition was listed on the Commission's Daily Calendar of June 9, 1977. By letter dated August 12, 1977, California Trucking Association, (CTA) protested the ex parte handling of this matter stating:

"This organization protests granting of the relief sought and respectfully requests that this matter be set for hearing so that we may protect our interest."

"The subject of exemptions for courier operations is now before the Commission in OSH 922, Case 5432 et al. Disposition of this Petition (No. 399) should be consolidated for public hearing on a common record with the OSH, and we so request."

Petitioners' 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.

Petitioners are placed on notice that should their operations be between fixed termini or over a regular route, they should apply for a highway contract carrier permit.

In the circumstances, the Commission finds that petitioners intend to engage in a "courier type" transportation service for which competing highway carriers have heretofore been exempted from the otherwise governing minimum rates and petitioners' request for similar relief has been shown to be justified. A public hearing is not necessary. The Commission concludes that the petition 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:

Leslie F. Burke, Gerald S. Cohn and Edgar R. Zablah are exempted from the otherwise governing provisions of Minimum Rate Tariff 19 when engaged in the "courier type" transportation of:

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; and x-ray
photographs,

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

The effective date of this order is the date hereof.

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

I dissent.
William Symons, Jr.

Robert Batmang
President

Richard D. Howell
Clair T. DeBrie
Commissioners

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