

ORIGINAL

Decision No. 88380 JAN 17 1978

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. 1003
(Filed December 15, 1977)

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. 402
(Filed December 15, 1977)

OPINION AND ORDER

WEST-PAK, INC., a corporation, operates as a highway common carrier.¹ By these petitions, it seeks a renewal of its authority to deviate from the minimum rates in Minimum Rate Tariffs 1-B, 2 and 19

¹ By Resolution No. 17960, dated February 1, 1977, the Commission authorized petitioner to amend its Certificate of Public Convenience and Necessity, as granted by Decision 85192, dated December 2, 1975, in Application 55802, substituting the name of "West-Pak, Inc." in place and stead of "D & I Delivery Service Co".

by continuing to publish less-than-minimum package or parcel rates for shipments weighing 100 pounds or less between various points in northern California.² The petitioner's current authority expires with December 31, 1977, as set forth in Supplemental Opinion and Order-Decision 86451, dated September 28, 1976, in Applications 55356 and 55802.

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

Revenue and expense data submitted by petitioner indicate that the transportation involved has been profitable and may reasonably be expected to be profitable for the future.

The petitions were listed on the Commission's Daily Calendar of December 19, 1977. No objection to the granting of the petitions have been received.

In the circumstances the Commission finds that the proposed rates are reasonable and justified by transportation conditions. A public hearing is not necessary. 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 relief.

IT IS ORDERED that:

1. West-Pak, Inc. is authorized to publish and file rates and rules in its Local Package Tariff No. 3, Cal. P.U.C. No. 2, for the transportation of shipments as set forth in Appendix A attached to the petitions in these proceedings and by this reference made a part hereof.
2. Tariff filings authorized to be made as a result of the order herein may be made effective on not less than one day's notice to the Commission and to the public.

²The rates and rules authorized by Decision 86451 are set forth in West-Pak, Inc.'s Local Package Tariff No. 3, Cal. P.U.C. No. 2.

3. West-Pak, Inc. is hereby authorized to depart from the long- and short-haul provisions of Section 461.5 of the Public Utilities Code to the extent necessary to exercise the authority granted herein. Schedules containing the rates published under this authority shall make reference to this order.

4. The authority granted herein shall expire unless exercised within ninety days after the effective date of this order.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 17th, day of JANUARY, 1978.

President
William Symons Jr.

Vernon L. Stinson

Robert P. Gault

Clare T. Delrick
Commissioners

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