

Decision No. 89348 SEP 6 1978**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Charlotte Ann)
 Chavez, dba CHAVEZ TRUCKING, for)
 authority to deviate from the)
 provisions of Minimum Rate Tariff)
 2 pursuant to the provisions of)
 Section 3666 of the Public)
 Utilities Code.)

Application No. 58198
 (Filed July 5, 1978)

OPINION AND ORDER

Charlotte Ann Chavez, doing business as Chavez Trucking, is authorized to operate as a highway contract carrier. By this application, applicant seeks an exemption from the minimum rates in Minimum Rate Tariff 2 for "courier type" transportation.

The Commission in Decision 89004, dated June 27, 1978, found:

"There is a need for the proposed exemption because the present rates are not responsive to the transportation characteristics of courier service transportation of business records and medical specimens, and the public interest does not require the continuance of minimum rates for this service."

Applicant was required to file for this exemption because she operates a vehicle weighing over 4,500 pounds in her fleet. This larger vehicle is not utilized in the courier service but is used for handling package deliveries only. This transportation is performed under the applicant's radial highway common carrier permit.

The application was listed on the Commission's Daily Calendar of July 7, 1978. By letter, the California Trucking Association protested "ex parte" handling of this matter. The protest was based upon the fact that this application included items, namely: drugs and exposed processed film and prints, in addition to the

items specifically named in the courier exemption established by Decision 89004.

The Commission has found that the transportation of drugs and processed film and prints in vehicles not exceeding 4,500 pounds has similar transportation characteristics to those included in the courier exemption. The Commission has in Decision 38207, dated December 6, 1977, (drugs) and Decision 88171, dated November 29, 1977, (exposed, developed and printed film) granted similar relief.

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

Charlotte Ann Chavez, doing business as Chavez Trucking, is exempted from the otherwise governing provisions of Minimum Rate Tariff 2 when engaged in the "courier type" transportation of:

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

2. Drugs, medical laboratory specimens and exposed and processed film and prints.

The transportation shall be performed in vehicles not exceeding a licensed weight of 4,500 pounds.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 16th day
of SEPTEMBER, 1978.

I dissent.
William S. Jones Jr.

Robert DeLorenzo
President

Vernon L. Sturgeon
Richard D. Howell

Commissioners

Commissioner Claire T. Dedrick, being
necessarily absent, did not participate
in the disposition of this proceeding.