

Decision No. 89361

SEP 6 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

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| Application of Emery Air Freight Corporation under the Shortened Procedure Tariff Docket for authority to amend freight forwarding authority, and, among other things, increase rates and charges. |) | Shortened Procedure Tariff Docket |
| |) | Application No. 58100 |
| |) | (Filed May 26, 1978) |
| |) | |
| Application of Emery Air Freight Corporation under Appendix A to Resolution No. TS-284, Form I, Public Utilities Commission of the State of California, for authority to continue to deviate from minimum rates (Section 452, Article I, Division I, of the Public Utilities Code of the State of California). |) | Application No. 58130 |
| |) | (Filed June 9, 1978) |
| |) | |
| |) | |

OPINION AND ORDER

By these applications, Emery Air Freight Corporation, a freight forwarder, seeks authority to amend its California Intrastate Airfreight Tariff No. 2, Cal. P.U.C. No. 7 as follows:

- (1) Cancel a pickup and delivery point and change the terminal zones for various points.
- (2) Cancel, increase, and decrease various pickup and delivery rates and charges.
- (3) Cancel the \$5.00 pickup and/or delivery surcharge for watches for San Francisco.
- (4) Amend common carrier authority to exclude some items from carriage.¹

¹The authority was originally granted by Decision 46829 in Application 32454, dated March 11, 1952, and amended by Decision 87818 in Application 57318 dated September 7, 1977.

(5) Add a provision to Rule No. 55, Forwarder Airbill, to prohibit any modification of the terms of the Forwarder Airbill or tariff.

(6) Increase intrastate liability, Rule No. 65, to the level effective for applicant's interstate and international tariffs and change various rules to reflect their applicability to that level.

(7) Increase the intrastate declared value fee from \$.15 to \$.40 per \$100.00 of value declared by the shipper in excess of the Forwarder's liability, to match applicant's interstate and international level.

(8) Cancel Rule No. 195 - Determination of Weight - for cotton and/or linter samples due to lack of traffic.

(9) Cancel two City Terminal Service addresses (Section 7) where this service is no longer being provided, and

(10) To continue to publish rates less than the Commission's minimums on shipments weighing from one to six pounds.²

Applicant states that these actions are taken to maintain uniform tariff provisions between intrastate, interstate, and international transportation. The need for such uniformity cannot be overemphasized, for it enables Emery to maintain positive control over all phases of its operations and to assure simple procedures and the fastest possible service to the shipper. To operate with various limitations in intrastate service that it does not operate under in interstate and international services would have a negative effect on its business (and the shipper) within California. The changes proposed are all on file with the Civil Aeronautics Board, effective June 5 and July 3, 1978.

²This authority was originally granted by Decision 87818 in Application 57318, dated September 7, 1977.

Applicant avers that the increases resulting from the proposal herein would not increase its California intrastate gross revenue by as much as one percent.

The applications were listed on the Commission's Daily Calendars of May 30 and June 13, 1978, respectively. No objections to the granting of the applications have been received.

In the circumstances, the Commission finds that:

1. The proposed rate increases are reasonable and justified:
2. The proposed discontinuance of services would not be adverse to the public interest.
3. The continued departure from the established minimum on shipments weighing from one to six pounds is reasonable and justified.
4. The needs of commerce and the public interest require that the deviated rates be continued.
5. Increases which may result in the event that the deviated rates should expire with September 1, 1979 are justified.
6. Public convenience and necessity no longer require the transportation of certain commodities, by applicant, as a freight forwarder.

The Commission concludes that the applications should be granted to the extent requested in the ensuing order, and the effective date of this order should be the date hereof because there is an immediate need for the authorities sought. A public hearing is not necessary.

IT IS ORDERED that:

1. Emery Air Freight Corporation is authorized to publish and file to expire with September 1, 1979 minimum charges on shipments weighing from one to six pounds as set forth, and subject to the conditions specified, in Appendix A attached hereto and by this reference made a part hereof.
2. Emery Air Freight Corporation is authorized to publish increased rates and charges and other amendments as specifically proposed in Application 58100.

3. The certificate of public convenience and necessity granted by Decision 87818 is hereby amended by substituting First Revised Page 1 for Original Page 1, First Revised Page 2 for Original Page 2, First Revised Page 3 for Original Page 3, First Revised Page 4 for Original Page 4 and First Revised Page 5 for Original Page 5 as set forth in Appendix B of this decision.

4. Tariff publications authorized to be made as a result of the order herein may be made on five days' notice to the Commission and to the public.

The effective date of this order is the date hereof.

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

Robert Bateman
President
William J. Gerson
Vernon L. Sturgeon
Richard D. Howell
Commissioners

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

APPENDIX A

Emery Air Freight Corporation is authorized to publish and file the following minimum charges, applicable only from airport-to-airport:

| <u>Weight of Shipment</u> <u>(In Pounds)</u> | <u>Minimum Charge</u> <u>(In Cents)</u> |
|---|--|
| 1 | 747 |
| 2 | 854 |
| 3 | 923 |
| 4 | 992 |
| 5 | 1062 |
| 6 | 1110 |

In all other respects, the rates and rules in California Intrastate Airfreight Tariff No. 2, Cal. P.U.C. No. 7 shall apply.

(END OF APPENDIX A)

Emery Air Freight Corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a highway common carrier, as defined in Section 213 of the Public Utilities Code, via the lines of air common carriers, highway common carriers and passenger stage corporations, subject to the following conditions:

General Commodities, except:

(a) Explosives, including fireworks, explosive devices and ammunition.

(b) Inflammable liquids, including all liquids with a flash point of 80°F or less (American Society for Testing Materials Method D-56-36), including

Carbon Bisulphide
Ethyl Chloride
Ethylene Oxide

Nickel Carbonyl
Zinc Ethyl
Spirits of nitroglycerine
in excess of one percent
by weight.

(c) Inflammable solids, including all solid substances which are liable to cause fires, through friction, through absorption of moisture, or through spontaneous chemical changes.

(d) Oxidizing materials, such as chlorates, permanganates, peroxides, or nitrates, which yield oxygen readily to stimulate combustion.

(e) Corrosive substances, including strong acids or alkalis, or wet storage batteries or other devices containing such substances.

(f) Compressed gases with gauge pressure exceeding 25 pounds per square inch at 70°F, or any inflammable liquid material having a vapor pressure (American Society for Testing Material Method D-323-43) exceeding 40 pounds per square inch absolute at 100°F.

(g) Vaporizing substances which give off dangerous or irritating vapors, including substances which give off such vapors when exposed to heat or moisture.

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- (h) "IN BOND" SHIPMENTS.
- (i) CORPSES, CREMATED OR DISINTERRED REMAINS.
- (j) Live animals except 1) mice, rats, hamsters, guinea pigs and rabbits, and 2) cats, dogs and monkeys destined to or originating at medical laboratories within the U.S.
- (k) Birds, fish, reptiles or insects.
- (l) Gallium
Dore Bullion
Gold, Gold Bullion, Cyanids, Dust, Sulphides or concentrates
Platinum, Cyanids, Dust, Sulphides or concentrates
Palladium
Silver, Silver Bullion, Cyanids, Dust, Sulphides or concentrates
Coins, bronze, copper, gold, silver
Coin collections
Stamps, postage, trading or revenue
Stamp collections
Money, Currency, Bonds, Bills of Exchange, Deeds, Promissory
Negotiable Securities, or Stock Certificates
Artwork and Objects of Art, namely: original paintings,
drawings, etchings, water colors, tapestries, or sculpture
with a declared value of \$500.00 or more per shipment.
Antiques, with a declared value of \$500.00 or more per
shipment.
Gem stones, cut or uncut, namely: diamonds, rubies, emeralds
or opals
Pearls
Industrial and synthetic diamonds with a declared value
of \$500.00 or more per shipment
Jewelry (other than costume jewelry), with a declared value
of \$100.00 or more per pound
Manuscripts, original, of which no other copy exists, with
a declared value of \$500.00 or more per shipment.
Musical stringed instruments, namely: violins, violas,
cellos, base violins, guitars, mandolins, or banjos with
a declared value of \$500.00 or more per shipment
Watches, watch cases, clocks and chronographs with a declare
value of \$100,000.00 or more per shipment
Costume jewelry with a declared value of \$100,000.00 or
more per shipment
Furs and Fur Clothing with a declared value of \$300,000.00
or more per shipment
Personal effects, namely: used clothing or articles in
trunks, suitcases, or other containers described as personal
effects, with a declared value of \$500.00 or more per
shipment

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(m) FURNITURE OR HOUSEHOLD GOODS, used, not for resale, uncrated or unwrapped.

(n) SHIPMENTS CONSIGNED "To Order Of" or "To Order-Notify".

(o) SHIPMENTS requiring special care or attention between origin and destination.

(p) Shipments not expressly covered by these rules or by the tariff which would be likely to cause damage to other shipments, equipment, crew, or passengers, or the carriage of which is prohibited by law.

(q) Shipments which require the Forwarder to obtain a federal, state or local license for their transportation will not be accepted when the Forwarder has elected not to comply with such license requirements.

(r) Shipments improperly packed or packaged.

(s) Shipments of an inherent nature or defect which indicate to the Forwarder that such transportation could not be furnished by the Forwarder without loss of or damage to the shipment.

(t) Shipments not accompanied by proper documentation and the necessary information as required by a convention, statute or tariff applicable to such shipments.

BETWEEN POINTS AND PLACES ON AND ALONG THE FOLLOWING ROUTES:

A. SAN FRANCISCO VICINITY:

(a) From Richmond, on the north, to Hayward on the south both inclusive, and points intermediate thereto, via the San Francisco-Oakland Bay Toll Bridge and the San Mateo Toll Bridge, and via U.S. Highways 101 and 101 By-Pass, on the one hand, and San Francisco Municipal Airport, on the other hand.

(b) From San Francisco, on the north, to Burlingame, on the south, both points inclusive, and points intermediate thereto, via U. S. Highways 101 and 101 By-Pass, on the other hand, and San Francisco Municipal Airport, on the other hand.

B. LOS ANGELES VICINITY:

(a) From the Pacific Ocean (San Pedro) north along Pacific Avenue to 9th Street, thence west on 9th Street to Western Avenue, thence north on Western Avenue to Century Boulevard, thence west on Century Boulevard to Los Angeles Airport.

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(b) From the Pacific Ocean (Long Beach) north on Atlantic Boulevard to Firestone Boulevard, thence west on Firestone Boulevard to Central Avenue, thence west on Manchester Avenue to Airport Boulevard, thence southwest to Los Angeles Airport.

(c) From the intersection of Sepulveda Boulevard and San Fernando Road south on Sepulveda Boulevard to Century Boulevard, thence east on Century Boulevard to Los Angeles Airport.

(d) From the intersection of Valley Boulevard and Rosemead Avenue (El Monte) west on Valley Boulevard to Fremont Street, and thence west on Alhambra Avenue to Mission Road; west on Mission Road to Macy Street; north on Macy Street to Sunset Boulevard; west on Sunset Boulevard to Figueroa Street; south on Figueroa Street to Century Boulevard, thence west on Century Boulevard to Los Angeles Airport.

(e) From the intersection of San Fernando Road and Sepulveda Boulevard southeastward on San Fernando Road to Figueroa Street, thence south on Figueroa Street to Century Boulevard, thence north on Century Boulevard to Los Angeles Airport.

(f) From the intersection of Colorado Street and North Figueroa Street (Pasadena) southwest on Figueroa Street to Century Boulevard, thence west on Century Boulevard to Los Angeles Airport.

Service will be provided to points laterally within five (5) miles of the highways traversed on said routes.

(1) The above certificate of public convenience and necessity is granted subject to the following restriction:

No property shall be transported between the points or over the routes specified herein unless such property is part of a through shipment having prior or subsequent haul by air.

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(2) That a certificate of public convenience and necessity be, and it hereby is, granted to Emery Air Freight Corporation, authorizing the establishment and operation of a service as a freight forwarder as that term is defined in Section 220 of the Public Utilities Code for the transportation of freight as defined and limited in ordering paragraph No. 1 herein between all points within the State of California subject to the following restrictions:

- (a) Applicant shall not ship, or arrange to ship, any property unless the shipment is transported in part via the line of an air carrier; and
- (b) Applicant shall not ship, or arrange to ship, any property unless such property shall have its transportation by air originate or terminate or pass through one of the following airports:

| | |
|-------------|---------------|
| Bakersfield | Sacramento |
| Fresno | San Diego |
| Los Angeles | San Francisco |
| Merced | Santa Maria |
| Monterey | Stockton |

(END OF APPENDIX B)

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