

ORIGINAL

Decision No. 57599

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
INTERCITY TRANSPORT LINES, INC. and)
HAROLD M. HAYS AND ALAN G. McLENEGAN,)
a partnership doing business as)
Intercity Transport Lines, for)
authority to enter into a Lease of)
certain operative right.)

Application No. 34023
(First Supplemental)

In the Matter of the Application of)
INTERCITY MOTOR LINES, a corporation,)
to sell and INTER-CITY FAST FREIGHT,)
a corporation, to buy highway common)
carrier operating rights, and of)
INTER-CITY FAST FREIGHT for approval)
of conditional sale contract and to)
issue stock.)

Application No. 38928

OPINION AND ORDER

Intercity Transport Lines, Inc., operates as an express corporation of general commodities over the lines of Inter-City Fast Freight generally between San Francisco Bay points and Arcata and certain intermediate points. Inter-City Fast Freight operates as a highway common carrier primarily as an underlying carrier for Intercity Transport Lines, Inc. It also holds permits to operate as a radial highway common carrier and highway contract carrier.

A review of these carriers' records made by the Transportation Division staff disclosed 161 collect-on-delivery (C.O.D.) shipments with C.O.D. amounts totaling \$12,893.50, which were handled by the aforesaid carriers between May 12, 1958, and October 8, 1958, and on which the C.O.D. amounts have not been remitted to the person or persons to whom such amounts are due as prescribed by General Order No. 84-C.

By letters dated September 4, 1958, Intercity Transport Lines, Inc., and Inter-City Fast Freight were notified by the Commission that a notice of Cancellation of their C.O.D. bonds, issued

by Mid-Century Insurance Company, had been received; that any C.O.D. shipments handled after September 29, 1958, would be in violation of General Order No. 84-C; and that it was essential that they either arrange for the filing of a new C.O.D. Surety Bond or take immediate steps to cancel the C.O.D. rules in their tariffs. However, the check made by the Transportation Division staff revealed that the carriers did not cancel their C.O.D. rules and that the carriers continued to accept C.O.D. shipments after their bonds were canceled.

It appears, and the Commission finds, that the failure of Intercity Transport Lines, Inc., and Inter-City Fast Freight to remit C.O.D. amounts as hereinabove indicated results in violations of the Commission's General Order No. 84-C; and that the handling of C.O.D. shipments by Intercity Transport Lines, Inc., and Inter-City Fast Freight without a good and sufficient surety bond on file with the Commission constitutes further violations of General Order No. 84-C.

In view of all the circumstances, including the violations hereinabove found, the Commission is of the opinion and finds that Intercity Transport Lines, Inc., and Inter-City Fast Freight (1) should be required to remit all unremitted C.O.D. monies without further delay; (2) should be directed to cease and desist from handling any C.O.D. shipments unless and until otherwise ordered by the Commission; and (3) should be required to cause to be canceled their participation in all tariff rules for the handling and remitting of C.O.D. amounts and in their stead to publish a rule or rules in their tariffs, and tariffs to which they are parties, stating that they do not handle C.O.D. shipments.

Therefore; good cause appearing,

IT IS ORDERED:

(1) That Intercity Transport Lines, Inc., and Inter-City Fast Freight are hereby directed forthwith to remit to the parties entitled thereto all unremitted moneys they have collected on collect-on-delivery shipments.

(2) That Intercity Transport Lines, Inc., and Inter-City Fast Freight shall report to the Commission when all unremitted C.O.D. monies they have collected have been remitted.

(3) That in the event any C.O.D. monies remain unremitted on December 15, 1958, Intercity Transport Lines, Inc., and Inter-City Fast Freight shall report to the Commission the amount of money due on each C.O.D. shipment for which remittance has not been made, the name and address of each person to whom such an amount is due and the reason remittance has not been made in each case and thereafter, Intercity Transport Lines, Inc., and Inter-City Fast Freight shall make on the first and fifteenth day of each month, a similar report to the Commission until all C.O.D. monies have been remitted.

(4) That Intercity Transport Lines, Inc., and Inter-City Fast Freight shall cease and desist from handling any C.O.D. shipments unless and until otherwise ordered by the Commission.

(5) That C. R. Nickerson, Agent, Pacific Coast Tariff Bureau, J.P. Hackler, Tariff Publishing Officer, Western Classification Committee, Agent, and M.A. Nelson, Publishing Officer for Pacific Southcoast Freight Bureau, are hereby authorized and directed to cancel within thirty days from the effective date of this order on not less than two days' notice to the Commission and to the public, the participation of Inter-City Fast Freight and Intercity Transport Lines, Inc., in provisions in their tariffs on file with this Commission governing the handling of C.O.D. shipments and that a copy of this order be forthwith served upon C.R. Nickerson, Agent, Pacific Coast Tariff Bureau, J.P. Hackler, Tariff Publishing Officer for the Western Classification Committee, Agent, and M.A. Nelson, Tariff Publishing Officer, for Pacific Southcoast Freight Bureau, Agent, as agents for Inter-City Fast Freight and Intercity Transport Lines, Inc., as parties to the aforesaid tariffs.

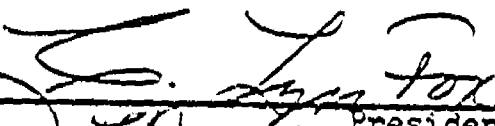
(6) That Intercity Transport Lines, Inc. and Inter-City Fast Freight are hereby directed to cause to be canceled within 10 days from the effective date hereof, on not less than two days' notice to the Commission and the public, their participation in rules governing the handling of C.O.D. shipments in tariffs of other carriers or agents not enumerated in paragraph (5) hereof.

(7) That Intercity Transport Lines, Inc., and Inter-City Fast Freight are hereby directed to cause to be published within 10 days from the effective date hereof, on not less than two days' notice to the Commission and the public, in their tariffs and/or tariffs to which they are parties, provisions stating that they will not accept C.O.D. shipments.


(8) That the Secretary of the Commission is directed to cause personal service of this order to be made on Inter-City Fast Freight and Intercity Transport Lines, Inc.

The effective date of this order shall be ten days after the date hereof.

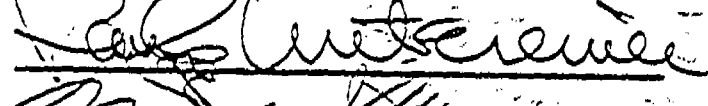
Dated at San Francisco, California, this 10th day of November, 1958.



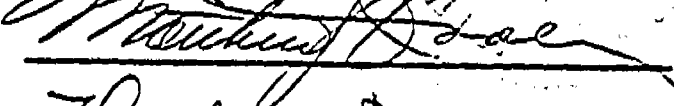
President




Commissioner



Commissioner



Commissioner



Commissioners