

Decision No. 58899

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
FRANCIS CARROLL O'NEILL, also known )  
as FRANCIS C. O'NEILL and F. C. )  
O'NEILL, doing business as FAIRWAY )      Application No. 41349  
MERCHANTS DELIVERY SERVICE, for )  
exemption from the provisions of )  
General Order 84C regarding C.O.D. )  
Bond. )

OPINION AND ORDER

Applicant holds radial highway common carrier and city carrier permits. Under the provisions of General Order No. 84C, he may not handle C.O.D. shipments until a bond of not less than \$2,000 is provided and such a bond is on file with the Commission. He seeks exemption from these requirements in connection with shipments transported for the shippers hereinafter designated. The application is accompanied by letters from the shippers stating that applicant need not be bonded in connection with C.O.D. deliveries from their stores.

The bonding provisions were established primarily for the protection of shippers. Since that protection has been voluntarily waived by the shippers involved in this application, it appears that the sought exemption is justified. A public hearing is not necessary.

The exemption hereinafter granted extends only to shipments transported for the specified shippers at the specified location. Should applicant desire to handle C.O.D. shipments for anyone else, all outstanding requirements must be met.


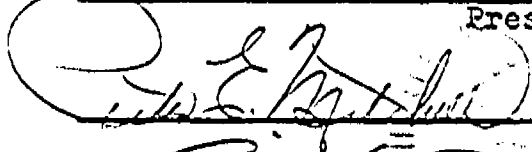
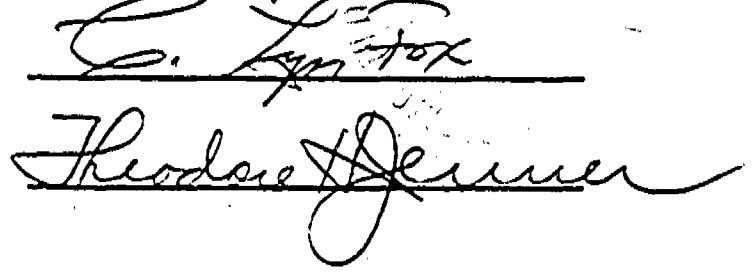
Because the conditions under which the C.O.D. service in question is performed may change, the exemption will be limited to a one-year period and made subject to such earlier cancellation, change or extension as circumstances may require.

Therefore, good cause appearing,

IT IS ORDERED that Francis Carroll O'Neill, doing business as Fairway Merchants Delivery Service, is hereby authorized to handle C.O.D. shipments for Abreu's Pharmacy, Acme Drug Store, Fairway Pharmacy, Owl Rexall Drugs and Ted's Drugs, all located in Hayward, without providing and filing the bond required by General Order No. 84C; that this authority shall expire one year after the effective date of this order, unless sooner canceled, changed or extended by order of the Commission; and that in all other respects the rules and regulations set forth in General Order No. 84C shall govern C.O.D. services involved in this proceeding.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 18th day of August, 1959.

  
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President  
  
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Commissioners