

ORIGINAL

Decision No. 66083

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of	)	
Francis C. O'Neill, doing business	)	
as Fairway Merchants Delivery Service,	)	Application No. 45629
for exemptions from the provisions	)	(Filed July 30, 1963)
of General Order No. 84-C regarding	)	
C.O.D. Bond	)	

OPINION AND ORDER

Applicant holds radial highway common carrier and city carrier permits. By this application, he seeks an exemption from the provisions of General Order No. 84-C under which carriers may not handle C.O.D. shipments until a bond of not less than \$2,000 is provided and filed with the Commission.<sup>1</sup> The sought exemption would apply only in connection with shipments transported for the shippers hereinafter designated. The application is accompanied by letters from the shippers stating, in effect, that they do not require the protection of a surety bond from Francis C. O'Neill. The exemption as herein sought has been granted to applicant heretofore on a year-to-year basis for a number of years. The present authority is scheduled to expire September 24, 1963.

The bonding provisions were established primarily for the protection of shippers. Since the protection of the bonding provisions has been voluntarily waived by the shippers involved in this

<sup>1</sup> By Decision No. 65244 dated April 16, 1963, in Case No. 7402, the Commission adopted General Order No. 84-D to become effective October 1, 1963, and to cancel and supersede General Order No. 84-C on the latter date. Both general orders contain C.O.D. bonding requirements.

application, the Commission finds that the sought exemption is justified. A public hearing is not necessary.

Attention is called to the fact that the exemption herein granted extends only to shipments transported for the specified shippers. 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.

In view of the expiration date of the current authority the order which follows will be made effective September 24, 1963.

Good cause appearing,

IT IS ORDERED that Francis C. O'Neill is hereby authorized to handle C.O.D. shipments for Paul's Pharmacy, Owl Rexall Drugs, Ted's Southgate Drugs, Ted's Drug Store #1, Payless Drug Store #8, Fairway Pharmacy, Acme Drug Store, Palmer's Drugs, E & W Drug Store, Clayworth Rexall Tennyson Drug and Grove Way Pharmacy without providing and filing the bond required by General Order No. 84-C or General Order No. 84-D, as the case may be; 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. 84-C or General Order No. 84-D, as the case may be, shall govern C.O.D. services involved in this proceeding.

The effective date of this order shall be September 24,  
1963.

Dated at San Francisco, California, this 24th day of  
September, 1963.

William W. Bennett  
President  
John E. Mitchell  
Charles W. Raga  
George L. Trover  
Frederic B. Hallock  
Commissioners