

Decision No. 66966**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application
of Brown-Ely Co. Contractors for
exemption from the provisions of
General Order No. 84-E in handling
of C.O.D. Shipments for Hutchinson
Co.

Application No. 46199
(Filed February 14, 1964)

O P I N I O N

Applicant holds radial highway common carrier, petroleum contract carrier and city carrier permits. By this application it seeks exemption from the provisions of General Order No. 84-E which established regulations governing the handling of collect-on-delivery shipments in connection with transportation performed for Hutchinson Co., a corporation.

The application states that applicant, a California corporation, is owned in its entirety by Forrest E. Brown, who also is the sole owner of Hutchinson Co. Applicant now holds authority to depart from the C.O.D. bonding requirements of the general order with respect to the transportation in question. Said authority expires March 18, 1964. Applicant alleges that a bond is not necessary nor required with respect to transportation by it for Hutchinson Co. in order to serve the purposes for which the bonding requirements of the general order were established. The application is accompanied by a letter from the shipper stating that it waives the protection afforded it by General Order No. 84-E insofar as C.O.D. deliveries by applicant are concerned.

The regulations governing the handling of C.O.D. shipments were established primarily for the protection of shippers in their relationships with carriers. Inasmuch as the shipper and carrier herein involved are corporations both owned solely by the same person, there is no necessity in this instance for the protection afforded by the general order or by the corresponding provisions set forth in the minimum rate tariffs. The Commission finds that the sought exemption is justified. A public hearing is not necessary. 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. Inasmuch as the present authority is scheduled to expire March 18, 1964, the order will be made effective on the date of issuance.

O R D E R

IT IS ORDERED that:

1. Brown-Ely Co. Contractors is hereby relieved from the requirements of General Order No. 84-E and the corresponding provisions set forth in minimum rate tariffs of the Commission in the handling of C.O.D. shipments for Hutchinson Co.

2. On and after March 18, 1964, the authority granted herein shall supersede the authority granted by Decision No. 65002, in Application No. 45150, and shall expire March 18, 1965, unless sooner canceled, changed or extended by order of the Commission.

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

Dated at San Francisco, California, this 17th day of MARCH, 1964.

Hallam L. Benson
President
George H. Grover
Friedrich B. Halbach

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.