

ORIGINALDecision No. 65967

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of)
 Gary Bothof, John Bothof, Hank)
 Burgeno, Roy Castro, Henry L.)
 Chavarria, Benjamin Chavez,)
 Carlos Diaz, Adolph Esquerra,)
 Lazaro Fernandez, Ralph Giordano,)
 D. Hall, Willard Latham, John M.)
 Mitchell, George Nunez, Harvey)
 Postma, Richard Robles, Tony)
 Rueda, Harry G. Santoyo, Jesse)
 Vasquez, Frayland Zamora,)
 Luciano B. Zamora, for an order)
 under and pursuant to the State)
 of California exempting appli-)
 cants from the provisions of)
 General Order 84-C as promulgated)
 by Decision 43441 under date of)
 October 25, 1949, Case No. 5129)
 as to C.O.D. shipments for)
 Bandini Fertilizer Company, 4139)
 Bandini Boulevard, Los Angeles,)
 Los Angeles County.)

Application No. 46218
 Filed February 21, 1964

OPINION AND ORDER

Applicants hold either a radial highway common carrier or a highway contract carrier permit. By this application, they seek 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. The sought exemption would apply only in connection with shipments transported for the Bandini Fertilizer Company.

General Order No. 84-C was superseded by General Order No. 84-D and the latter was superseded by General Order No. 84-E effective February 1, 1964.¹ The latter general order contains bonding requirements and additional provisions governing the handling

¹ General Order No. 84-E was adopted by the Commission by Decision No. 66552, dated December 27, 1963, in Case No. 7402.

of C.O.D. shipments. The bonding provisions are set forth in ordering paragraphs numbered 2, 3, 4, 5 and 7(h) of the general order. Corresponding provisions are set forth in minimum rate tariffs of the Commission. Inasmuch as General Order No. 84-C is no longer in effect, the application will be considered as an amended application seeking relief from the bonding requirements of General Order No. 84-E.

An affidavit of the shipper attached to the application states that the average length of regular employment of applicants is six years; that it has been the practice of applicants to deliver in rotation fertilizer and allied products as directed; that only a very small portion of the deliveries are made on a collect-on-delivery basis; that it is the practice for all cash payments picked up by applicants to be turned in either the day they are received or the following day; and that the acquisition of bonds by applicants in accordance with the provisions of general order is not required for the protection of Bandini Fertilizer Company.

Since the protection of the bonding provisions has been voluntarily waived by the shipper involved in this 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 shipper. Should applicants 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 period of approximately one year.

Good cause appearing,

IT IS ORDERED that Gary Bothof, John Bothof, Hank Burgeno, Roy Castro, Henry L. Chavarria, Benjamin Chavez, Carlos Diaz, Adolph Esquerria, Lazaro Fernandez, Ralph Giordano, D. Hall, Willard Latham, John M. Mitchell, George Nunez, Harvey Postma, Richard Robles, Tony Rueda, Harry G. Santoyo, Jesse Vasquez, Frayland Zamora, and Luciano B. Zamora are hereby relieved from the requirements of ordering paragraphs 2, 3, 4, 5 and 7(h) of General Order No. 84-E and the corresponding provisions set forth in minimum rate tariffs of the Commission in the handling of C.C.D. shipments for Bandini Fertilizer Company. This authority shall expire April 30, 1965, unless sooner canceled, changed or extended by order of the Commission.

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

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

William A. Beards
President
[Signature]
George H. Grover
Fredrick B. Holdoff

Commissioners

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