

Decision No. 67359**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of LOUIE ARIAS, )  
 RALPH ARIAS, JAUQUIN BALIGAD, SAL De ANDA, )  
 KATSUICHI FUJITA, HAROLD HIRATA, HIRO )  
 IGARASHI, HENRY OLDENKAMP, ANGEL REYES, )  
 RUDOLPH RODRIQUEZ, A. L. ROGERS, TONY RUEDA, )  
 WALTER SMIT AND LEON THOMPSON for an order )  
 under and pursuant to the Highway Carriers ) Application No. 46612  
 Act of the State of California exempting ) (Filed May 5, 1964)  
 applicants from the provisions of General Order )  
 84E as promulgated by Decision 66552 under date )  
 of December 27, 1963, Case No. 7402 as to C.O.D. )  
 shipments from Kellogg Supply Co., Inc., 23924 )  
 South Figueroa Street, Wilmington, Los Angeles )  
 County, California. )

OPINION AND ORDER

Each applicant holds 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-E, under which a carrier 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 Kellogg Supply Co., Inc.

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.

An affidavit of the shipper attached to the application states that the average length of regular employment of applicants is five 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 to have all cash payments picked up by applicants turned in to the shipper either the day they are received or the following day; and that the acquisition of bonds

by applicants in accordance with the provisions of the general order is not required for the protection of Kellogg Supply Co., Inc.

The bonding provisions were established primarily for the protection of shippers. 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 one year. In view of the impending expiration date of the current authority, the order herein will be made effective June 17, 1964.

Good cause appearing,

IT IS ORDERED that Louie Arias, Ralph Arias, Jauquin Baligad, Sal De Anda, Katsuichi Fujita, Harold Hirata, Hiro Igarashi, Henry Oldenkamp, Angel Reyes, Rudolph Rodriguez, A. L. Rogers, Tony Rueda, Walter Smit and Leon Thompson 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.O.D. shipments for Kellogg Supply Co., Inc. This authority shall expire one year after the effective date of this order unless sooner canceled, changed or extended by order of the Commission.

This order shall become effective June 17, 1964.

Dated at San Francisco, California, this 10<sup>th</sup> day of JUNE, 1964.

*Holloman L. Bennett*  
President  
*John E. Hartshorn*  
*Walter W. Pease*  
*George H. Trorer*  
*Fredrick B. Hallock*  
Commissioners