

ORIGINAL

Decision No. 67907

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SIERRA DISTRIBUTING, LTD., a)
corporation, to depart from the)
provisions of General Order)
No. 84-D, under the provisions)
of the City Carriers' Act and)
of the Highway Carriers' Act.)

Application No. 46920
(Filed August 25, 1964)

OPINION AND ORDER

By this application, Sierra Distributing, Ltd., seeks authority, as a permit carrier, to continue to make collect on delivery (C.O.D.) shipments part of split delivery shipments in connection with transportation services performed on behalf of Procter & Gamble Distributing Company.¹ Such arrangement is prohibited under paragraph 7(g) of General Order No. 84-E.² Corresponding provisions are set forth in minimum rate tariffs of the Commission.

Applicant transports products for Procter & Gamble Distributing Company (Procter & Gamble) between various points in California. The authority herein sought is limited to transportation performed from that company's factory at Sacramento to its customers in California north of a line running easterly-westerly through King City and Fresno. It has performed this transportation for many years.

¹ Applicant's current authority was granted by Decision No. 66076 dated September 24, 1963, in Application No. 45715 and is scheduled to expire October 1, 1964.

² Effective February 1, 1964, General Order No. 84-E was adopted by the Commission by Decision No. 66552, dated December 27, 1963, in Case No. 7402. Inasmuch as General Order No. 84-D is no longer in effect, the application will be considered as seeking relief from the corresponding requirements of General Order No. 84-E.

Applicant alleges that all of the conditions which resulted in the original establishment of the authority to depart from the provisions of paragraph 7(g) of General Order No. 84-E have continued to exist and do exist at the present time. In Application No. 45715, supra, applicant alleged that in connection with the transportation herein involved it transports approximately 30 loads of products a day; that some loads are straight shipments, while others are shipments containing components for split delivery. Applicant averred that among the split delivery shipments are component parts with respect to which Procter & Gamble instructs applicant to make collections on delivery; that this is a practice which has been in effect for many years; that Procter & Gamble has informed applicant that this practice is an essential element of the delivery of certain of its products and serves the convenience of Procter & Gamble as well as some of its customers.

The relief herein sought from General Order No. 84-E is in connection with specific transportation performed by applicant under contract with a single shipper. In the limited circumstances involved herein, the Commission finds that the sought exemption is justified. At applicant's suggestion, the authority will be made to expire September 7, 1965, concurrently with the expiration date of authority granted applicant to deviate from the minimum rates in connection with the transportation involved herein.³

No objection to the granting of this application has been received. A public hearing is not necessary. The application will be granted and the authority made to expire on September 7, 1965.

³ See Decision No. 67730 dated August 18, 1964, in Application No. 46308.

Good cause appearing,

IT IS ORDERED that Sierra Distributing, Ltd., is hereby authorized to make collect on delivery (C.O.D.) shipments part of split delivery shipments when handled by it as a highway contract carrier, a city carrier or a radial highway common carrier for Procter & Gamble Distributing Company from that company's factory at Sacramento to its customers located north of a line running easterly-westerly through King City and Fresno and that this authority shall expire September 7, 1965, unless sooner canceled, changed or extended by order of the Commission.

The effective date of this order shall be October 1, 1964.

Dated at San Francisco, California, this 22nd day of September, 1964.

Frederick B. Hillhoff
President
John L. Kitchin
George W. Rags
George H. Grover
William M. Burns
Commissioners