

ORIGINAL

Decision No. 69216

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 Gary Bothof, John Bothof, Hank Burgeno,
 Roy Castro, Henry L. Chavarria,
 Benjamin Chavez, Fred Contreras, Carlos
 Diaz, Adolph Esquerria, B. Fabian,
 Lazaro Fernandez, Ralph Giordano, D.
 Hall, Kirk Latham, Willard Latham,
 John M. Mitchell, George Nunez,
 Richard Robles, Tony Rueda, Tony Rueda,
 Jr., 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 84E as promulgated by Decision
 66552 under date of December 27,
 1963, Case No. 7402 to C.O.D. ship-
 ments for Bandini Fertilizer Company,
 4139 Bandini Boulevard, Los Angeles,
 Los Angeles County.

Application No. 47530
 (Filed April 27, 1965)

OPINION AND ORDER

Each applicant except Kirk Latham and Tony Rueda, Jr., holds either a radial highway common carrier or a highway contract carrier permit. By this application, they seek limited exemption from certain requirements of General Order No. 84-E, 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 Bandini Fertilizer Company. An affidavit of the shipper attached to the application states that the acquisition of bonds by applicants is not required in connection with its C.O.D. consignments.

General Order No. 84-E was superseded by General Order No. 84-F. As General Order No. 84-F makes no change in General Order No. 84-E which is material to the issues in this proceeding, the application will be considered as an amended application seeking relief from the bonding requirements of General Order No. 84-F.¹ The bonding provisions are set forth in Ordering Paragraphs 2, 3, 4, 5, 6 and 7 of the general order. Corresponding provisions are set forth in minimum rate tariffs of the Commission.

The rules governing the transportation of C.O.D. shipments were established primarily for the protection of shippers. Since the bonding protection has been waived by the shipper involved in this application, the Commission finds that the sought exemption is justified with respect to all applicants except Kirk Latham and Tony Rueda, Jr. The application should be denied insofar as it pertains to Kirk Latham and Tony Rueda, Jr., inasmuch as they do not possess operating authority from this Commission. 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 one-year period.

¹

General Order No. 84-F was adopted by Decision No. 68779 dated March 23, 1965, in Case No. 7402.

IT IS ORDERED that:

1. Gary Bothof, John Bothof, Hank Burgeno, Roy Castro, Henry L. Chavarria, Benjamin Chavez, Fred Contreras, Carlos Diaz, Adolpn Esquerria, B. Fabian, Lazaro Fernandez, Ralph Giordano, D. Hall, Willard Latham, John M. Mitchell, George Nunez, Richard Robles, Tony Rueda, Harry G. Santoyo, Jesse Vasquez, Frayland Zamora, Luciano B. Zamora are hereby relieved from the requirements of Ordering Paragraphs 2, 3, 4, 5, 6 and 7 of General Order No. 84-F and the corresponding provisions set forth in minimum rate tariffs of the Commission in the handling of C.O.D. shipments for Bandini Fertilizer Company. This authority shall expire one year after the effective date of this order unless sooner canceled, changed or extended by order of the Commission.

2. In all other respects, Application No. 47530 is denied. This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 8th day of June, 1965.

Fredrick B. Holbeck
President

John E. Mitchell

George L. Hoover

Augusta

William C. Bunnell
Commissioners