

ORIGINAL

Decision No. 70480

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application)	
of Brown-Ely Co. Contractors for)	Application No. 48247
exemption from the provisions of)	(Filed February 11, 1966)
General Order No. 84E in handling)	
C.O.D. Shipments for Hutchinson Co.)	

OPINION AND ORDER

Brown-Ely Co. Contractors, a corporation, holds radial highway common carrier, petroleum contract carrier and city carrier permits. By Decision No. 68849, dated April 6, 1965, in Application No. 47348, it was authorized to handle C.O.D. shipments for Hutchinson Co. without securing and filing a bond of not less than \$2,000 with the Commission as required by General Order No. 84-E. This authority is scheduled to expire with April 6, 1966.

By this application, further exemption is sought from the bonding requirements of General Order No. 84-E in connection with C.O.D. service for the same shipper. The application is accompanied by a letter from Hutchinson Co. stating in effect that the bonding of applicant is not necessary in connection with its C.O.D. consignments.

General Order No. 84-E was superseded by General Order No. 84-F effective June 1, 1965. ¹ The latter general order contains bonding requirements and additional provisions governing the handling of C.O.D. shipments. The bonding provisions are set forth in

¹ General Order No. 84-F was adopted by the Commission by Decision No. 68779, dated March 23, 1965, in Case No. 7402.

Ordering Paragraphs 2 to 7, inclusive, of General Order No. 84-F. Corresponding provisions are set forth in various minimum rate tariffs of the Commission. Inasmuch as General Order No. 84-E is no longer in effect, the application will be considered as an amended application seeking relief from the bonding requirements of General Order No. 84-F.

The rules and requirements 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. A public hearing is not necessary. The Commission concludes that the application should be granted.

Attention is called to the fact that the exemption herein granted extends only to shipments transported for the specified shipper. Should applicant 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 further one-year period. In view of the impending expiration date of the current authority, the order which follows will be made effective April 6, 1966.

IT IS ORDERED that:

1. Brown-Ely Co. Contractors is hereby relieved from the requirements of Ordering Paragraphs 2 to 7, inclusive, 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 Hutchinson Co.

2. The authority herein granted shall supersede the authority granted by Decision No. 68849, dated April 6, 1965, in Application No. 47348, and shall expire with April 6, 1967, unless sooner canceled, changed or extended by order of the Commission.

This order shall become effective April 6, 1966.

Dated at San Francisco, California, this 22nd day of March, 1966.

Fredrick B. Holdcroft
President
John L. Pritchard
George L. Hoover
William W. Bennett
Commissioners