

ORIGINAL

Decision No. 73971

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of Gary Bothof, Hank Burgeno, Roy Castro, Henry L. Chavarria, Benjamin Chavez, Carlos Diaz, Adolph Esquerro, Albert Esquerro, B. Fabian, Lazaro Fernandez, Ralph Giordano, Willard J. Latham, John M. Mitchell, George Nunez, Richard Robles, Arthur Robyn, Tony Rueda Sr., Tony Rueda Jr., Harry G. Santoyo, Fred Saragosa, Jesse Vasquez, Sylvan Vugteveen, Frayland Zamora, Luciano B. Zamora, for an order under and pursuant to the State of California exempting applicants 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. shipments from Bandini Fertilizer Company, 4139 Bandini Boulevard, Los Angeles, Los Angeles County.

Application No. 50033  
(Filed February 21, 1968)

OPINION AND ORDER

Each applicant, except Carlos G. Diaz, George Nunez and Frayland Zamora, holds either a radial highway common carrier or a highway contract carrier permit.<sup>1</sup> The radial highway common carrier permit held by Benjamin M. Fabian does not cover the transportation herein involved. By this application, applicants seek exemptions from the provisions of General Order No. 84-F, under which carriers may not handle C.O.D. shipments until a bond of not less than \$2,000

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<sup>1</sup>Minor discrepancies exist between certain applicants' names as they appear in the application and as they appear in the Commission's official records. Each applicant will be referred to by the name in the Commission's official records.

is provided and filed with the Commission. The sought exemptions would apply only in connection with shipments transported for Bandini Fertilizer Company. The application is accompanied by an affidavit from Bandini Fertilizer Company stating in effect that the bonding of applicants is not necessary in connection with its C.O.D. consignments.

General Order No. 84-F contains bonding requirements and additional provisions governing the handling of C.O.D. shipments. The bonding provisions are set forth in Ordering Paragraphs 2 to 7, inclusive. Corresponding provisions are set forth in various minimum rate tariffs of the Commission.

The 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 exemptions are justified, to the extent hereinafter indicated, with respect to all applicants except Carlos G. Diaz, George Nunez and Frayland Zamora. The application should be denied insofar as it pertains to Carlos G. Diaz, George Nunez and Frayland Zamora and conditionally granted to Benjamin M. Fabian. The Commission concludes that the application should be granted and denied as indicated in the ensuing order.

Attention is called to the fact that the exemptions herein granted extend 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. services in question are performed may change, the exemptions will be limited to a one-year period.

IT IS ORDERED that:

1. Gary Bothof, Hank Burgeno, Roy Castro, Henry L. Chavarria, Benjamin Chavez, Adolph Esquerria, Albert O. Esquerria, Lazaro Fernandez, Ralph Giordano, Willard J. Latham, John M. Mitchell, Richard Robles, Arthur Robyn, Tony D. Rueda, Tony M. Rueda, Harry G. Santoyo, Fred Saragosa, Jesse Vasquez, Sylvan Vugteveen and Luciano Zamora are 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 Bandini Fertilizer Company.

2. Benjamín M. Fabian 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 Bandini Fertilizer Company concurrently with the date that his radial highway common carrier permit is amended to authorize the transportation of fertilizers and other related commodities between the points involved herein.

3. This authority shall expire one year after the effective date of this order unless sooner canceled, changed or extended by order of the Commission.

4. In all other respects, Application No. 50033 is denied. This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 9<sup>th</sup> day of April, 1968.

*John E. McMillin*  
President  
*William L. Bonds*  
*August*  
*William A. Jones, Jr.*  
*John P. Monahan*  
Commissioners