

ORIGINAL

Decision No. 74083

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of)
FRANK V. LIZZARAGA for an order)
under and pursuant to the Highway)
Carriers Act of 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)
as to C.O.D. shipments from)
Kellogg Supply Co., Inc., 23924)
South Figueroa Street, Wilmington,)
Los Angeles County, California.)

Application No. 50068
(Filed March 4, 1968)

OPINION AND ORDER

Applicant holds a radial highway common carrier permit. By this application, he seeks exemption from the provisions 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.¹ The sought exemption would apply only in connection with shipments transported for Kellogg Supply Co., Inc. The application is accompanied by an affidavit from the shipper stating in effect that the bonding of applicant is not necessary in connection with its C.O.D. consignments.

¹

General Order No. 84-E was superseded by General Order No. 84-F effective June 1, 1965, pursuant to Decision No. 68779, dated March 23, 1965, in Case No. 7402.

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 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. services in question are performed may change, the exemption will be limited to a one-year period.

IT IS ORDERED that:

1. Frank V. Lizzaraga 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 Kellogg Supply Co., Inc.

2. 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 twenty days after the date hereof.

Dated at San Francisco, California, this 7th day of May, 1968.

John E. Sticks
President

William La Bernard

Augusta

William J. Lyons Jr.

Paul P. Monissey
Commissioners