

Decision No. 76334

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of)
 GENE ADDINGTON, MANUEL S.)
 ALARCON, LOUIS ARIAS, RALPH J.)
 ARIAS, CORNIE J. DE BIE,)
 TADASHI EGUCHI, KATSUICHI FUJITA,)
 DONALD R. HALL, AARON HARRIS,)
 FRANK HIRATA, HAROLD HIRATA,)
 J. B. KIMBLE, CESAR A. OSEJO,)
 RALPH PINEDO, JOSE A. REYES,)
 JAMES A. ROGERS and EDDIE THOMPSON)
 for an order under and pursuant)
 to the Highway Carriers Act of)
 the State of California exempting)
 applicants from the provisions of)
 General Order 84-F as promulgated)
 by Decision 68779 under date of)
 March 23, 1965, 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. 51363
(Filed September 12, 1969)

OPINION AND ORDER

Each applicant holds either a radial highway common carrier or a highway contract carrier permit. By this application, applicants seek exemptions from the provisions of General Order No. 84-F, under which a carrier 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 exemptions would apply only in connection with shipments transported for Kellogg Supply Co., Inc. The application is accompanied by an affidavit

¹By Decision No. 74904 dated November 6, 1968, in Application No. 50576, all applicants except Gene Addington, Aaron Harris, J. B. Kimble, Ralph Pinedo and Jose A. Reyes were authorized to handle C.O.D. shipments for the shipper involved herein without securing and filing the required bond. This authority is scheduled to expire with November 21, 1969.

from Kellogg Supply Co., Inc., 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 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 exemptions are justified. A public hearing is not necessary. The Commission concludes that the application should be granted.

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 period of one year.

IT IS ORDERED that:

1. Gene Addington, Manuel S. Alarcon, Louis Arias, Ralph J. Arias, Cornie J. De Bic, Tadashi Eguchi, Katsuichi Fujita, Donald R. Hall, Aaron Harris, Frank Hirata, Harold Hirata, J. B. Kimble, Cesar A. Osejo, Ralph Pinedo, Jose A. Reyes, James A. Rogers and Eddie Thompson 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 Kellogg Supply Co., Inc.

2. The authority herein granted shall, on and after November 21, 1969, supersede the authority granted by Decision No. 74904 and shall expire with November 21, 1970.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 27th day of October, 1969.

William S. Quon, Jr.
President
Richard J. [unclear]
[unclear]
James P. [unclear]
Commissioners