

ORIGINAL

Decision No. 78504

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
Brown-Ely Co. Contractors for exemp-)
tion from the provisions of General)
Order No. 84F in handling of C.O.D.)
Shipments for Hutchinson Co.)

Application No. 52459
(Filed February 22, 1971)

OPINION AND ORDER

Brown-Ely Co. Contractors, a corporation, holds radial highway common carrier and petroleum contract carrier permits. By Decision No. 76960, dated March 17, 1970, in Application No. 51712, 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-F. This authority is scheduled to expire with April 6, 1971.

By this application, further exemption is sought from the bonding requirements of General Order No. 84-F 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.

The Transportation Division staff has reviewed the application and recommends that it be granted by ex parte order.

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. 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.

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.

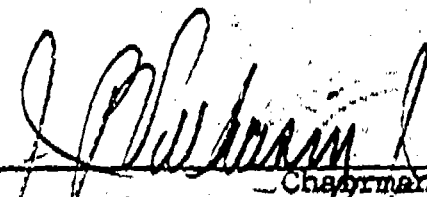
2. The authority herein granted shall supersede the authority granted by Decision No. 76960, dated March 17, 1970, in Application No. 51712, and shall expire with April 6, 1972, unless sooner canceled, changed or extended by order of the Commission.

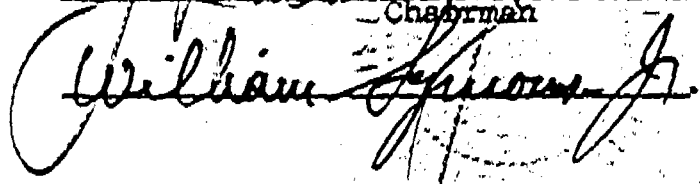
This order shall become effective on the date hereof.

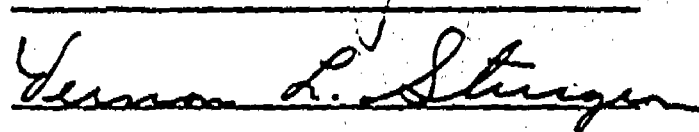
Dated at San Francisco, California, this 2nd day of April, 1971.

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.



Chairman




Commissioners