

ORIGINALDecision No. 82027

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JOHN GARCIA, JR., 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 No. 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, Carson,)
Los Angeles County, California.)

Application No. 54248
(Filed August 17, 1973)

OPINION AND ORDER

Applicant John Garcia, Jr., an individual holding a radial highway common carrier permit, requests that he be exempted from the bonding requirements of the Commission's General Order No. 84-F (currently General Order No. 84-G) pertaining to carrier handling of C.O.D. shipments when transporting shipments for Kellogg Supply Co., Inc. (Kellogg) of 23924 South Figueroa Street, Carson, Los Angeles County.

By affidavit accompanying the application, John P. McLemore, Secretary-Treasurer of Kellogg, supports the application and represents that the application was filed with his company's knowledge and approval. In said affidavit McLemore represents that his company will be utilizing the services of applicant for hauling his company's outbound shipments, principally fertilizer and allied products, and that only a very small portion of his company's shipments will move on a C.O.D. basis; that cash picked up by applicant will not total in excess of five percent of the total sale price of the shipments hauled by applicant; that cash picked up by applicant will be turned in to Kellogg either the same day it is picked up or the following day; and that applicant will rarely have in



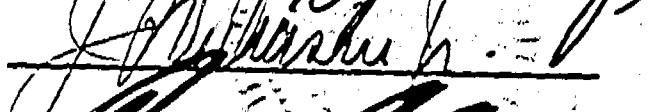


his possession funds belonging to Kellogg in excess of the amounts due applicant from Kellogg for hauls performed for Kellogg. Applicant claims that requiring him to purchase the required C.O.D. bond will put applicant to considerable expense and that such expense will cause applicant considerable financial hardship and is unnecessary under the circumstances. The application was noticed in the Commission's Daily Calendar of August 21, 1973. No objections to the granting of the application have been received.

After consideration the Commission finds and concludes that applicant should be exempted from the subject bonding requirements and that the application should be granted. No hearing is necessary in this matter.

IT IS ORDERED that John Garcia, Jr., is exempt from the bonding requirements of paragraphs 2, 3, 4, 5, 6, and 7 of the Commission's General Order No. 84-G when performing hauls for Kellogg Supply Co., Inc. of 23924 South Figueroa Street, Carson, Los Angeles, County.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 20th day of OCTOBER, 1973.


President




Commissioners