

Decision No. 25116.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

LOS ANGELES WAREHOUSEMEN'S
ASSOCIATION and CALIFORNIA
WAREHOUSEMEN'S ASSOCIATION,

Complainants,

vs.

CALIFORNIA FIREPROOF STORAGE
COMPANY and LYON VAN & STORAGE CO.,

Defendants.

ORIGINAL

Case No. 3237.

Leroy M. Edwards, by O. S. Sattinger, for complainants.

Williamson & Musick, by H. L. Burrell, for defendants.

BY THE COMMISSION:

O P I N I O N

Complainants, Los Angeles Warehousemen's Association and California Warehousemen's Association, are non-profit organizations existing under the laws of the State of California for the purpose of promoting the business interests of its members. By complaint filed April 15, 1932, it is alleged that defendant California Fireproof Storage Company, a corporation having its principal place of business at 2808 West Pico Boulevard, Los Angeles, is engaged in the business of storing merchandise other than second-hand household goods regularly for the public for compensation, and that the business and operations so conducted by this defendant is in violation of Section 2 1/2 of the Public Utilities Act. Practically the same allegations are entered against defend-

ant Lyon Van and Storage Co.

A public hearing was held before Examiner Geary at Los Angeles August 9, 1932, and the matter submitted.

The record shows that the Lyon Van and Storage Co. is the holding company for the California Fireproof Storage Company and the Lyon Fireproof Storage Company.¹ The Lyon Van and Storage Co. has no tariffs on file with the Commission, nor is there any evidence in the record to show that it has been, or is now, directly performing a public utility warehouse business.

The California Fireproof Storage Company has a tariff on file with the Commission. However, counsel for this defendant at the hearing declared there was no intention at this time on the part of the California Fireproof Storage Company to perform a public utility warehouse business. It was stipulated by and between counsel for complainants and defendants that an order may be made by the Commission in compliance with the prayer in the complaint in so far as it pertained to the warehouse of the California Fireproof Storage Company, located at 2808 West Pico Boulevard, Los Angeles, and that the schedules now on file in the name of this company should be cancelled and stricken from the Commission's files.

We find as a fact that the California Fireproof Storage Company is not now conducting a public utility warehouse, and that its warehouse tariffs should be cancelled.

O R D E R

Public hearing having been held in the above proceeding

¹ By Decision No. 24443 of February 1, 1932, Case 2955, Los Angeles Warehouse Association vs. Lyon Fireproof Storage Company, the Commission held that defendant was not operating as a public utility warehouseman and ordered its tariffs on file with the Commission cancelled.

and the matter submitted,

IT IS HEREBY FOUND AS A FACT that defendant California Fireproof Storage Company was not actually operating in good faith as a public utility warehouse for compensation on or subsequent to August 2, 1927.

IT IS HEREBY ORDERED that Warehouse Tariff No. 3, C.R. C. No. 3 of defendant California Fireproof Storage Company, issued March 10, 1932, effective April 10, 1932, applying to 2808 West Pico Boulevard, Los Angeles, be and the same is stricken from the files and records of the Railroad Commission of the State of California, also any and all other evidences of a right of operation of a public utility warehouse.

IT IS HEREBY FURTHER ORDERED that the complaint in so far as it relates to the Lyon Van and Storage Co. be and it is hereby dismissed.

Dated at San Francisco, California, this 29th day of August, 1932.

CC Sawyer
Leon Whitney
M J Cass
W B Harris
Fred G. Peterson
Commissioners.