

Decision No. 35824.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Investigation)	
by the Commission, on its own)	
motion, into the operations of)	
James M. Johnson and Frederick R.)	Case No. 4615
Johnson as a public utility ware-)	
houseman.)	

BY THE COMMISSION:

ORIGINALO P I N I O N

This proceeding, an investigation on the Commission's own motion into the public utility warehouse operations of James M. Johnson and Frederick R. Johnson, was instituted particularly for the purpose of determining whether operative rights of the respondents should be revoked and annulled and their tariffs cancelled.

Public hearing was had before Examiner Bryant at Los Angeles on September 22, 1942, at which time the case was submitted for decision.

The record shows that certified copy of the order instituting investigation and order to show cause was served upon Frederick R. Johnson by registered mail on January 14, 1942; and that certified copy of the same order, addressed to James M. Johnson at his last known address and duly deposited as registered mail, was returned by the postal authorities as undeliverable. Neither respondent appeared at the public hearing.

An employce in the Commission's rate division testified that he had examined the Commission's official tariff files and correspondence files relating to the operation here in question. From his testimony it appears that the operative right was originally possessed by F.C. Johnson, father of the respondents. F.C. Johnson died on or about April 4, 1938, and effective March 31, 1939, respondents filed Supplement No. 1 to F.C. Johnson - Panama Warehouse,

Warehouse Tariff No.4,C.R.C.No.4, applicable at Panama Warehouse, 200-208 South Central Avenue, Los Angeles. This supplement provides that "James M. Johnson and Frederick R. Johnson hereby adopt and make their own in every respect, as if same had been originally filed by them such rates, rules and regulations." Thereafter, by letter dated March 12, 1941, Frederick R. Johnson notified the Commission that he had purchased his brother's interest. Upon receipt of this letter, and subsequently, the Commission gave written instructions to Frederick R. Johnson on six different occasions to apply for authority under Section 51 (a) of the Public Utilities Act to make the purchase. No application was filed, and the Commission received no acknowledgment or reply to its several letters.¹

The witness testified further that on or about August 6, 1941, he had personally called at 200-208 South Central Avenue, Los Angeles, and learned that no public warehouse operations were being conducted at that address. He was informed on that occasion that the entire property had been leased to a daily newspaper, and verified this fact by telephone call to the newspaper office. Through inquiry he obtained information that Frederick R. Johnson was then employed in a Burbank aircraft factory, and that neither Frederick R. nor James M. Johnson was then conducting any warehouse business. The witness stated that he had reviewed annual reports filed by warehousemen for the years 1940 and 1941, and ascertained that no report had been filed with the Commission in the name of Panama Warehouse or of either of the respondents for either of those years.

Upon consideration of all of the facts and circumstances of record, the Commission is of the opinion and finds as a fact that whatever warehouse operative rights may have been possessed by James M. Johnson and Frederick R. Johnson, or either of them, have been

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The letter of March 12, 1941, from Frederick R. Johnson and copies of the six letters from the Commission were received as evidence.

abandoned. It is concluded that any such operative rights should be revoked and annulled, and tariffs now on file with the Commission in the name of respondents should be cancelled. The following order will so provide.

O R D E R

Public hearing having been held in the above entitled proceeding, and the Commission now being fully informed,

IT IS HEREBY ORDERED that any and all warehouse operative rights now or heretofore possessed by James M. Johnson and Frederick R. Johnson, or either of them, be and they are hereby revoked and annulled.

IT IS HEREBY FURTHER ORDERED that tariffs now on file with the Commission standing in the name of James M. Johnson and Frederick R. Johnson be and they are hereby cancelled.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 6th day of October, 1942.

Justin F. Casner
W. H. Baker
Francis R. Havens
Arthur L. Locke
 Commissioners.