

Decision No 37543

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
JOHN FOX, doing business under the)
fictitious name of JOHN McCARTHEY AND)
SON, for a certificate to operate)
the business of warehouseman.)

ORIGINAL

Application No. 24946

In the Matter of the Application of)
DANIEL GALLAGHER TEAKING, MERCANTILE)
AND REALTY COMPANY, a California)
Corp. for a certificate to operate)
the business of warehouseman.)

Application No. 24947

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

By Decision No. 37455, an interim order entered November 3, 1944 in the above entitled proceedings, applicants were granted certificates of public convenience and necessity authorizing each of them to establish and operate 100,000 square feet of warehouse space in the City and County of San Francisco for the storage of designated property.¹ These certificates expire April 30, 1945. They were issued without prejudice to the conclusions the Commission might reach upon the full record. Further consideration of the matter of temporary certificates, as well as consideration of the matter of permanent certificates, was reserved for completion of the record. A petition for rehearing was filed by California Warehousemen's Association, Warehousemen's Association of the Port of San Francisco and six warehouse operators.

A further hearing was had at San Francisco on December 4, 1944, before Examiner Mulgrew.

At the further hearing, applicants requested that their temporary certificates be extended to December 31, 1945 and that the proceedings be taken off the hearing calendar. Protestants requested

¹ The property applicants were authorized to store is specifically described in the interim order.

that their petition for rehearing be considered withdrawn.

San Francisco Warehouse Company, Haslett Warehouse Company, Gibraltar Warehouses, Farnsworth and Ruggles and J. A. Clark Draying Co. Ltd. hold temporary certificates authorizing them to operate additional warehouse space on a temporary basis.² The property which may be stored under these certificates is the same as that which applicants may store under their certificates. The former certificates, however, are now scheduled to expire on December 31, 1944. Extensions to December 31, 1945 have been applied for.

All of the temporary authorizations are based upon abnormally heavy demands for public storage in San Francisco which have stemmed from disturbed shipping practices attributable to the war. The interested parties joined in urging that these authorizations be made to run concurrently throughout the war period. Upon the termination of the war, applicants propose to ask that these proceedings be reset for hearing should they then desire to pursue their requests for permanent certificates. In the interim order in these proceedings (Decision No. 37455, supra) the abnormal storage requirements resulting from the war and the problems created thereby were discussed at some length. No useful purpose would be served by further comment on these matters.

Pursuant to protestants' request, their petition for rehearing will be dismissed. In view of the similarity of the certificates issued in these proceedings and the temporary certificates held by the warehousemen hereinbefore referred to, it appears that the request of the parties that such temporary authorizations run concurrently is reasonable and should be granted. Applicants' certificates will be extended to December 31, 1945. By another order entered today the certificates held by the other warehousemen will be extended to

² See Decision No. 33615 of October 22, 1940, as amended, in Application No. 22695, and Decision No. 33777 of January 3, 1941, as amended, in Applications Nos. 23823, 23851, 23852 and 23857.

the same date.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Decision No. 37455 of November 3, 1944 in the above entitled applications be and it is hereby amended by extending the expiration date of the rights and privileges therein authorized to December 31, 1945 unless sooner changed, canceled or further extended by appropriate order of the Commission.

IT IS HEREBY FURTHER ORDERED that in all other respects said Decision No. 37455 shall remain in full force and effect.

IT IS HEREBY FURTHER ORDERED that the petition for rehearing of Decision No. 37455, filed November 18, 1944 by California Warehousemen's Association, et al., be and it is hereby dismissed.

IT IS HEREBY FURTHER ORDERED that the Commission shall have and it does hereby retain jurisdiction of these proceedings for the purpose of issuing such further order or orders as may from time to time appear proper in the light of other or further evidence received herein.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 12th day of
December, 1944.

Richard K. Lusk

Justin J. Caenen

Francis R. Hawes

Francis J. O'Connell

James J. Paul
Commissioners