

Decision No. 38458

**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of ESTATE OF CURTIS C. COLYEAR, deceased and FLORENCE E. COLYEAR, to sell, and of SAMUEL P. KROWN, CHARLES KROWN, and JACOB KROWN, doing business as CHARLES VAN & STORAGE CO., to purchase prescriptive and other rights relating to or use in the conduct of a Warehouse now and heretofore known as COLYEAR'S VAN & STORAGE CO., of Los Angeles, California.

Application  
No. 27045

BY THE COMMISSION:

OPINION AND ORDER

In this application the Commission is asked to make an order authorizing the Estate of Curtis C. Colyear, deceased, and Florence E. Colyear to transfer warehouse operative rights to Samuel P. Krown, Charles Krown and Jacob Krown.

It appears that for many years Curtis C. Colyear and Florence E. Colyear, doing business under the firm name and style of Colyear's Van & Storage Co., operated a public utility warehouse business, and other business in the City of Los Angeles. Since 1942 the operations are reported to have been conducted by the Estate of Curtis C. Colyear, deceased, and Florence E. Colyear. By reason of operations prior to the effective date of Section 50½ of the Public Utilities Act, (1) and continuously since, a prescriptive operative right is claimed.

---

(1) Statutes 1927, Chapter 878.

Information on file with the Commission indicates that the public utility business has constituted but a small part of the total operations of Colyear's Van & Storage Co. Applicants report gross revenue from the utility business at \$2,301 in 1943, at \$4,015 in 1944 and at \$3,745 for the period from January 1 to June 18, 1945, as compared with gross revenues from other operations, chiefly storage of used household furniture, of \$35,315 in 1943, \$32,019 in 1944 and \$15,748 during 1945 from January 1 to June 18. The warehouse operations, both utility and non-utility, have been conducted in a five-story fireproof building located at 415 South San Pedro Street. The 1944 annual report shows 5,000 square feet of space dedicated to the public use.

On June 4, 1945, the Superior Court of the State of California in and for the County of Los Angeles made its order confirming the sale to Samuel P. Krown, Charles Krown and Jacob Krown by Florence E. Colyear, as executrix, and Richard C. Colyear, as executor, of certain real and personal property, including the business operated under the name of Colyear's Van & Storage Co. and the assets of said business, for the total sum of \$109,500. It is the stated intention of the purchasers to continue the business of Colyear's Van & Storage Co. under the same conditions as it has been operated.

The Commission has never made a finding of the existence, extent or character of the operative rights of Colyear's Van & Storage Co. We are not doing so at this time. The order herein will authorize the transfer of whatever rights the present owners may have. The action taken herein shall not be construed to be a finding of value for any purpose other than the proceeding herein involved.

It does not appear that a public hearing in this matter is necessary. Therefore,

IT IS HEREBY ORDERED as follows:

1. The Estate of Curtis C. Colyear, deceased, and Florence E. Colyear, after the effective date hereof and on or before February 28, 1946, may transfer to Samuel P. Krown, Charles Krown and Jacob Krown, whatever operative rights and properties they may now have to store property as a public utility warehouseman in Los Angeles.

2. The Estate of Curtis C. Colyear, deceased, and Florence E. Colyear and Samuel P. Krown, Charles Krown and Jacob Krown shall comply with the rules of the Commission's General Order No. 61 by filing, in triplicate, and concurrently making effective, tariffs satisfactory to the Commission, within sixty (60) days from the effective date hereof and on not less than five (5) days' notice to the Commission.

3. The authority herein granted is effective fifteen (15) days after the date hereof.

Dated at San Francisco, California, this 10<sup>th</sup> day of December, 1945.

Harold P. Hull

Frank W. Davis

James H. Luce

Harold P. Hull

Commissioners