

Decision No. 57693**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's  
own motion into the operations,  
rates and practices of LINCOLN COLD  
STORAGE COMPANY, a corporation.

Case No. 6081

John F. O'Dea and Armando J. Flocchini, Jr.,  
for the respondent.  
Alvin B. Christiansen, for Pacific States  
Cold Storage Warehousemen's Association,  
interested party.  
Hugh N. Orr, for the Commission staff.

O P I N I O N

On April 8, 1958, the Commission issued an order instituting an investigation on its own motion into the operations, rates and practices of Lincoln Cold Storage Company, a corporation.

A public hearing was held on June 25, 1958, at San Francisco before Examiner William L. Cole at which time the matter was submitted.

Purposes

The order of investigation was issued for the purpose of determining whether the respondent is operating as a public utility warehouse under the provisions of the Public Utilities Code and if so whether the respondent has violated Sections 489 or 2551 of the Public Utilities Code by failing to file and publish schedules of its rates and charges in accordance with the requirements of these sections.

Facts

Based upon the evidence introduced into the record at the time of the hearing in this matter, the Commission hereby finds the following facts to exist:

1. Respondent is a California corporation operating a cold storage warehouse in the City of Lincoln, California.

2. During the period from January 1, 1957, to February 8, 1958, respondent stored food commodities and nursery stock for some 23 different customers.

3. Respondent will store commodities for any member of the public so long as the commodities do not require temperatures different from those maintained by the respondent at its warehouse.

4. Respondent will solicit business in order to acquire more customers if that is necessary.

5. Prior to the hearing in this matter, respondent filed with the Commission, a tariff setting forth the rates and charges assessed by it concerning storage at its warehouse.

6. At the time of the hearing in this matter, respondent acknowledged that its warehouse operation had acquired public utility status.

7. The Commission takes judicial notice of the fact that the population of the City of Lincoln is less than 150,000.

#### Conclusions

In its decision in the investigation of the Pajaro Valley Cold Storage Company, being Case No. 6080, the Commission has set forth a discussion of the factors involved in any determination of the public utility status of warehouse operations. Based upon the conclusions reached in that decision and upon the facts hereinabove found, the Commission hereby finds and concludes that respondent is a corporation operating a warehouse in which merchandise is regularly stored for the public generally for compensation and that respondent is a corporation operating a warehouse in which food commodities regularly received from the public generally are stored for compensation. Therefore, the Commission further finds that respondent is a

"warehouseman" under the terms of Subsection (b) of Section 239 and also a "food warehouseman" under Section 2508 and thus is a public utility under the jurisdiction of the Commission.

O R D E R

A public hearing having been held in the above-entitled matter and the Commission being fully informed therein,

IT IS ORDERED:

1. That the Lincoln Cold Storage Company is hereby ordered to comply with all of the provisions of the Public Utilities Act and of the Food Warehousemen's Act governing its operation as a warehouseman and food warehouseman.

2. The Secretary of the Commission is directed to cause personal service of this order to be made upon the Lincoln Cold Storage Company and this order shall be effective twenty days after the completion of such service.

Dated at Los Angeles, California, this 9<sup>th</sup> day of December, 1958.

[Signature]  
President

[Signature]

[Signature]

[Signature]  
Commissioners