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ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
REFRIGERATED FOOD SERVICES, INC., a
corporation, for an order authoriz-
ing applicant to cease operation in
68,590 square feet of space at
San Jose, California.

Application No. 41175

O P I N I O N

Refrigerated Food Services, Inc., presently engaged in the operation of three cold storage public utility warehouses in Santa Clara and one in San Jose, requests authority to discontinue the use of its San Jose facilities, which consist of approximately 68,590 square feet of space.

It is alleged that the plant located at 350 North First Street, San Jose, and referred to as applicant's Warehouse No. 1, is older and less efficient to operate than applicant's other warehouses; that with the exception of the short canning fruit season, all of the tonnage stored in Warehouse No. 1 could have been accommodated at applicant's other warehouses during the year 1958; that with the elimination of costs required to operate and maintain Warehouse No. 1 applicant would be better able to serve the storing public; that on or before October 1, 1959, with the approval of the Commission and the consent of the storers, applicant proposes to transfer goods to its Santa Clara plant and then seek a purchaser for the San Jose property.

Exhibit A attached to the application indicates the following:

SAN JOSE PLANT

<u>1958</u>	<u>Cooler</u>			<u>Freezer</u>		
	<u>Tons at Capacity</u>	<u>Tons on Hand</u>	<u>Percent Occupied</u>	<u>Tons at Capacity</u>	<u>Tons on Hand</u>	<u>Percent Occupied</u>
January	3,723	1,026	28	540	149	28
February	3,723	855	23	540	130	42
March	3,723	745	20	540	92	17
April	3,723	646	17	540	63	12
May	3,723	340	09	540	86	16
June	3,723	527	14	540	98	18
July	3,723	2,905	68	540	90	61
August	3,723	4,290	100	540	69	47
September	3,723	1,703	44	540	87	16
October	3,723	1,651	42	540	76	14
November	3,723	1,009	26	540	89	16
December	3,723	1,023	26	540	89	16

After consideration the Commission is of the opinion and so finds that applicant's Warehouse No. 1 located at 350 North First Street, San Jose, on or after October 1, 1959, will no longer be property necessary or useful in the performance of applicant's duties to the public as a public utility warehouseman for the purposes of Section 851 of the Public Utilities Code. The applicant will be authorized to withdraw from these operations, subject to conditions designed to protect the interests of its patrons. A public hearing is not necessary.

O R D E R

Application having been filed and the Commission being informed in the premises;

IT IS ORDERED that Refrigerated Food Services, Inc., is hereby authorized to discontinue its public utility warehouse

operations in 68,590 square feet of space located at 350 North First Street, San Jose, California, subject to the following conditions:

1. Applicant shall continue as a public utility warehouseman, rendering all services specified in its tariffs, at rates and charges therein provided, so long as any property remains in storage in its warehouse; except that from and after the date of filing the written acceptance specified in Condition 2 hereof, applicant shall not be required to receive any additional goods for storage in its Warehouse No. 1, 350 North First Street, San Jose, California.
2. Applicant shall, within ten days after the effective date of this order, file with the Commission its written acceptance of this order, including all of the provisions and conditions thereof.
3. Applicant shall cause to be prepared and to be mailed or otherwise delivered to each of its storage patrons of Warehouse No. 1, 350 North First Street, San Jose, California, on or before twenty days after the effective date of this order, a true and complete copy of this order.
4. Applicant's storage patrons of Warehouse No. 1, 350 North First Street, San Jose, California, may designate any available public utility warehouse or other location within the vicinity of San Jose to which their stored property shall be moved; however, in the absence of such election on or before thirty days after the effective date hereof, applicant may transport such property to any public utility warehouse within that vicinity.
5. Applicant shall pay, for its own account, and at no expense to its patrons, any and all costs connected with the transfer of stored property from its Warehouse No. 1, 350 North First Street, San Jose, California, to other locations, whether designated by its patrons or otherwise, including transportation, the handling charges of the receiving warehouse, and any additional storage charges occasioned by a difference in storage periods between its own and the receiving warehouse.

6. Applicant shall, promptly on removal of all stored property from its Warehouse No. 1, 350 North First Street, San Jose, California, (a) file with the Commission a verified statement that it has fully complied with Conditions 1 to 5, inclusive, and (b) cancel all tariffs, concurrences and powers of attorney which it has on file with the Commission in connection with such warehouse operations.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 28th day of July, 1959.

Everett R. Rogers
President
Martha J. Galt
Theodore J. Jensen

Commissioners