

Decision No. 60939

ORIGINAL

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
authorizing applicant to cease oper-
ation in 46,610 square feet of space
at San Jose, California.

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) Application No. 42758
) Filed October 17, 1960
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O P I N I O N

Refrigerated Food Services, Inc., applicant herein, presently engaged in the operation of two cold storage public utility warehouses in San Jose and one in Santa Clara, requests authority to discontinue the use of its facility at 1182 Campbell Avenue, San Jose, which consists of 46,610 square feet of space.

It is alleged that, with the exception of approximately 50 tons stored only since July, 1960, all goods stored at any time during the last five years at 1182 Campbell Avenue, San Jose, have been goods of Stokely-Van Camp, Inc., or its predecessor, Pictsweet Foods, Inc.; that applicant now has an opportunity to sell said facility to Stokely-Van Camp, Inc., conditioned upon its release from dedication to the public use; and that space is available at applicant's nearby two remaining public utility warehouses to accommodate goods belonging to other than Stokely-Van Camp, Inc.

After consideration the Commission is of the opinion and so finds that applicant's warehouse located at 1182 Campbell Avenue, San Jose, is no longer 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;

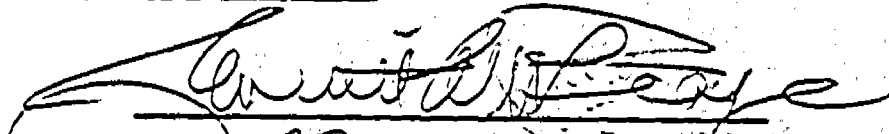
IT IS ORDERED that Refrigerated Food Services, Inc., is hereby authorized to discontinue its public utility warehouse operations in 46,610 square feet of space located at 1182 Campbell Avenue, San Jose, California, subject to the following conditions:

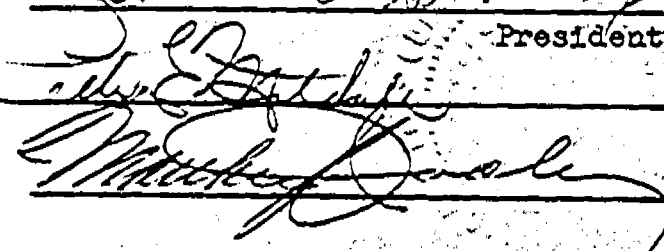
1. Applicant shall continue as a public utility warehouseman, rendering all services specified in its tariffs, at rates and charges therein provided, so long as any property remains in storage in its warehouse; except that from and after the date of filing the written acceptance specified in Condition 2 hereof, applicant shall not be required to receive any additional goods for storage in its warehouse at 1182 Campbell Avenue, San Jose, California.
2. Applicant shall, within ten days after the 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 its warehouse at 1182 Campbell Avenue, San Jose, California, within twenty days after the date of this order, a true and complete copy of this order.

4. Applicant's storage patrons of its warehouse at 1182 Campbell Avenue, San Jose, California, may designate any available public utility warehouse or other location within the vicinity of San Jose and Santa Clara to which their stored property shall be moved; however, in the absence of such election on or before thirty days after the 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 at 1182 Campbell Avenue, 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, except that of Stokely-Van Camp, Inc., from its warehouse at 1182 Campbell Avenue, 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 the date hereof.

Dated at San Francisco, California,
this 25th day of OCTOBER, 1960.



President


Commissioners