

Decision No. 61622**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's  
own motion into warehouse operative  
rights of WHITTIER TRANSFER & STORAGE  
CO., INC., a corporation.

Case No. 6963

Carl F. Peters for L. A.  
Warehousemens Assn.  
interested party.

Elinore Charles, for the  
Commission staff.

O P I N I O N

The Commission instituted the present investigation on September 13, 1960. Its purpose is to determine whether or not respondent has acquired a prescriptive right as a warehouseman by reason of operations conducted in good faith on September 1, 1959 under tariffs and schedules of respondent lawfully on file with the Commission. In response to the Order of Investigation, respondent has filed a letter which did not allege that it was, in fact, operating certain floor space as a public utility warehouseman in good faith on said date under tariffs and schedules lawfully on file with the Commission.

A public hearing was held before Examiner John Power at Los Angeles on December 21, 1960 at which time no appearance was made on behalf of respondent.

The matter having been submitted the Commission finds that respondent was not conducting operations in good faith on September 1, 1959 under tariffs and schedules lawfully on file with the Commission.

O R D E R

Investigation having been instituted on the Commission's own motion, public hearing having been held and the Commission basing its order upon the evidence adduced at such hearing, the response

filed by respondent, the tariffs, schedules and certified reports of respondent,

IT IS ORDERED that:

1. Any and all operative rights of Whittier Transfer & Storage Co., Inc., a corporation, as a public utility warehouseman, as that term is defined in Section 239 (b) of the Public Utilities Code, are hereby annulled.

2. Any and all powers of attorney on file with the Commission in the name of Whittier Transfer & Storage Co., Inc., a corporation, as a public utility warehouseman, are hereby canceled.

3. Warehouse Tariff No. 1, Cal. P.U.C. No. 1 of Whittier Transfer & Storage Co., Inc., is hereby canceled.

4. This proceeding is discontinued upon the effective date hereof.

The Secretary is directed to cause service of a certified copy of this order to be made upon respondent.

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

Dated at San Francisco, California, this 7th day of MARCH, 1961.

[Signature] President

George H. Hoover

Fredrick W. Hallock

Commissioners

Everett C. McKeage  
Commissioner  
Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.