

Decision No. 61666**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
motion into warehouse operative rights
of Louis G. Sutton, doing business as
MAXWELL GRAIN STORAGE WAREHOUSES.

Case No. 6808

Louis G. Sutton, in propria persona,
for respondent.
Elinore Charles, for the Commission staff.

O P I N I O N

The Commission instituted the present investigation on August 16, 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. Respondent has filed a written response to the order alleging that he 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 San Francisco, California on December 28, 1960.

Respondent testified that the warehouse business was 80 years old. He had been connected with it since 1919 and since 1926 had been sole owner. It was originally a sacked grain warehouse. Modern methods of harvesting grain involve bulk storage. This eliminated the grain storage here but other commodities have been and will be stored.

The matter having been submitted, the Commission finds:

That respondent was, on September 1, 1959, operating as a public warehouseman the space at the location set forth in Appendix A attached to the following order. The Commission further finds that such space at such location was operated in good faith under tariffs 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 annual reports of respondent,


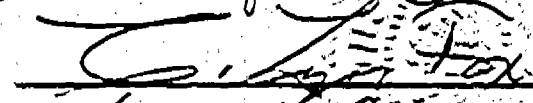
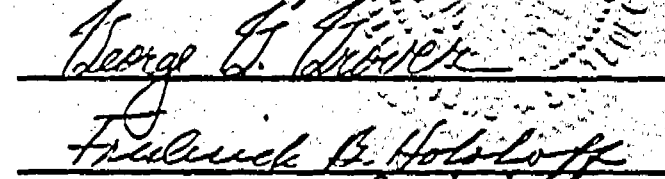
IT IS ORDERED that by reason of operations conducted in good faith on September 1, 1959 and by respondent's tariff filing, of which official notice is taken, Louis G. Sutton possesses a prescriptive operative right as a public utility warehouseman, within the meaning of Section 239(b) of the Public Utilities Code, as specifically set forth in Appendix A, which, by this reference, is made a part hereof.

IT IS FURTHER ORDERED that upon the final effective date of this order this proceeding is discontinued.

The Secretary is directed to cause a certified copy of this order to be served upon Louis G. Sutton.

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

Dated at San Francisco, California, this 14th day of March, 1961.


President

George G. Fox

Frederick B. Holdoff
Commissioners

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

Louis G. Sutton possesses a prescriptive operative right as a public utility warehouseman for the operation of storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Maxwell	20,000

(The floor space shown above is exclusive of the 50,000 square feet of expansion permissible under Section 1051 of the Public Utilities Code.)

End of Appendix A

Issued by California Public Utilities Commission.

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