

ORIGINALDecision No. 61667

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into warehouse operative
rights of L. E. GRAINGER, doing
business as L. E. GRAINGER WAREHOUSE
CO.

Case No. 6911

L. E. Grainger, in propria persona, respondent.
Sam R. Choate, for California Warehousemen's
Association, interested party.
Elinore Charles, for the Commission staff.

O P I N I O N

The Commission instituted the present investigation on August 30, 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 on December 28, 1960. Respondent testified that he had been in the warehouse business for 30 years. In the Spring of 1959 his leased building was condemned. In 1960 he resumed in another building. He never withdrew his tariffs or abandoned his accounts.

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.

ORDER

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:

1. By reason of operations conducted in good faith on September 1, 1959 and by respondent's tariff filing, of which official notice is taken, L. E. Grainger 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 hereto, which by this reference is made a part hereof.

2. Upon the 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 L. E. Grainger.

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.

[Signature] President
[Signature]
[Signature]
[Signature] Commissioners

-2- Commissioner Everett C. McKee, being necessarily absent, did not participate in the disposition of this proceeding.

L. E. Grainger 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>
Stockton	7,000

(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.

Decision No. 61667, Case No. 6911.