

Decision No. 61668**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into warehouse operative
rights of CALIFORNIA CRATING
CORPORATION, a corporation.)

Case No. 6955

Glanz, Russell & Schureman, by Arthur H. Glanz,
for respondent.
Carl F. Peters, for Los Angeles 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 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. Respondent has filed a written response to the order alleging 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.

Public hearings were held before Examiner John Power at Los Angeles on December 21 and 22, 1960. It appeared from the evidence at the hearings that the space claimed by respondent in Torrance actually belongs to Columbia Van Lines, respondent in Case No. 6958. Therefore, that company is entitled to the prescriptive right.

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.

ORDER

Investigation having been instituted on the Commission's own motion, public hearings having been held and the Commission basing its order upon the evidence adduced at such hearings, the response filed by respondent, the tariffs, schedules and annual reports of respondent,

IT IS ORDERED:

1. That any and all operative rights of California Crating Corporation, 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. That any and all powers of attorney on file with the Commission in the name of California Crating Corporation, a corporation, as a public utility warehouseman, are hereby canceled.
3. That Jack L. Dawson, Agent, is hereby authorized and directed to cancel the participation of California Crating Corporation in tariffs filed by him as agent, said cancellation to be made within sixty days after the effective date of this order and on not less than five days' notice to the Commission and the public.
4. That 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 California Crating Corporation

and upon Jack L. Dawson.

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

Dated at San Francisco, California, this 14th day of MARCH 1, 1961.

[Signature] President
[Signature]
George G. Brewer
Fredrick B. Halaloff Commissioners

Commissioner ~~Everett G. M. [unclear]~~ being necessarily absent, did not participate in the disposition of this proceeding.