

Decision No. 61697**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
motion into warehouse operative rights
of Charles B. Benson, doing business as
ADMIRAL VAN & STORAGE.

Case No. 6929

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 certified response to the order alleging that he was, in fact, operating certain floor space as a public utility warehouseman, as that term is defined in Section 239(b) of the Public Utilities Code, in good faith on said date under tariffs and schedules lawfully on file with the Commission. ✓

The response lists storage accounts served both before and after September 1, 1959. It alleges that respondent has held himself out to serve the public for 12 years, and 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 finds that such space at such location was operated by respondent on September 1, 1959, as a public warehouseman 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:

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, Charles B. Benson possesses a prescriptive operative right as a public utility warehouseman, as that term is defined in Section 239(b) of the Public Utilities Code, as specifically set forth in Appendix A, 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 Charles B. Benson.

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

Dated at San Francisco, California, this 21st day of March, 1961.

Ernest W. Rogers
President
John E. Mitchell
Sam Fox
George A. Grover
Frederick B. Halasoff
Commissioners

Charles B. Benson 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>
Walnut Creek	2,100

(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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