

ORIGINAL

61737

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into warehouse operative
rights of Lyle V. Abbott, doing
business as ACE CITY DELIVERY.

Case No. 6951

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 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.

Subsequent to filing such response, respondent has communicated to the Commission in writing his consent to the entry of a finding as hereinafter set forth. No public hearing is necessary. Therefore, the Commission finds that respondent was not conducting good faith operations 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, and the Commission basing its order upon the responses

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

IT IS ORDERED that:

1. Any and all operative rights of Lyle V. Abbott, 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 Lyle V. Abbott, as a public utility warehouseman, are hereby canceled.

3. Warehouse Tariff No. 2, Cal. P.U.C. No. 2, of Lyle V. Abbott, doing business as Ace City Delivery, 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.

Geoffrey W. Rapp
President

John S. Mitchell

E. Lynn Fox

George D. Hoover

Fredrick B. Hallock
Commissioners