

61778

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
 own motion into warehouse opera-)
 tive rights of INLAND HARBOR)
 STORAGE COMPANY, a corporation.)

Case No. 6858

O P I N I O N

The Commission instituted the present investigation on August 23, 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 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.

Stockton Elevators, respondent in Case No. 6871, claimed a prescriptive right for the same building. The Commission approved the claim of Stockton Elevators which was in possession of the building under a sublease arrangement with respondent.

Subsequent to filing such response, respondent has communicated to the Commission in writing its consent to the entry of a finding as hereinafter set forth, provided a right at that location be granted to Stockton Elevators.

The Commission therefore finds that respondent was not conducting operations as a public utility warehouseman in good faith 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 purported operative rights of Inland Harbor Storage Company, 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. Any and all powers of attorney on file with the Commission in the name of Inland Harbor Storage Company, a corporation, as a public utility warehouseman, are hereby canceled.

3. Warehouse Tariff No. 1, Cal. P.U.C. No. 1 of Inland Harbor Storage Company, a corporation, is hereby canceled.

4. Jack L. Dawson, Agent, is hereby authorized and directed to cancel the participation of Inland Harbor Storage Company, a 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 to the public.

5. 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 4th day of APRIL, 1961.

Samuel P. ...
President
...
...
George H. ...
Fredrick B. ...
Commissioners