

Decision No. 61779**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
 own motion into warehouse operative)
 rights of STOCKTON ELEVATORS, a)
 corporation.)

Case No. 6871

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 prescriptive rights 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 and bulk space as a public utility warehouseman in good faith on said date under tariffs and schedules lawfully on file with the Commission.

Respondent's claims were disputed by respondents in other cases, namely, Westwarehouses, Inc. (Case No. 6886) as to Lodi and Inland Harbor Storage Co. (Case No. 6858) as to part of the Stockton claim. Both of the protesting companies have since withdrawn their respective protests and communicated to the Commission in writing their consent to the entry of a finding in favor of Stockton Elevators as hereinafter set forth. A public hearing is not necessary.

The Commission finds that respondent was, on September 1, 1959, operating as a public warehouseman the space at the locations set forth in Appendix A attached to the following order. The Commission further finds that such space at such locations was operated 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 and the Commission basing its order upon the response filed by respondent, the tariffs, schedules and annual reports of respondent,

IT IS ORDERED that:

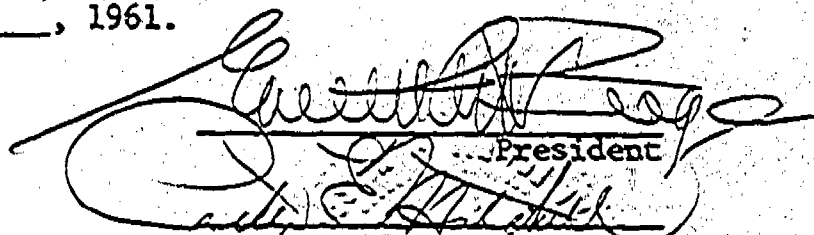
1. By reason of operations conducted in good faith on September 1, 1959, and by respondent's tariff filing, of which official notice is taken, Stockton Elevators, a corporation, possesses a prescriptive operative right as a public utility warehouseman within the meaning of Section 239(b) of the Public 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 Stockton Elevators.

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.



President


George L. Fox


Frederick B. Holcomb
Commissioners

Stockton Elevators 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 or Bulk Storage Capacity</u>
Mendota	29,750 square feet
Lodi and vicinity	109,700 square feet
Stockton	64,080 square feet plus 4,197,690 bushels bulk storage capacity

(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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