

61780

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
 motion into warehouse operative rights
 of DON HEMSTED, doing business as DON
 HEMSTED'S VAN & STORAGE.

Case No. 6909

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 public 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 verified 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.

Respondent alleged that he had been storing for the public for twenty years. He listed examples of storage performed by him giving firm names and commodities.

The Commission finds 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 further finds that such space at such locations was operated in good faith under tariffs lawfully on file with the Commission. A public hearing is not necessary.

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, Don Hemsted 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, 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 Don Hemsted.

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.

[Signature]
President

[Signature]

[Signature]

[Signature]
Commissioners

Don Hemsted 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>
Redding	8,000

(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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