

ORIGINALDecision No. 61827

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into warehouse operative
rights of COLUMBIA EXPORT PACKERS,
INC., a corporation.

Case No. 6967

Glanz, Russell & Schureman by Arthur H. Glanz,
for respondent.

Carl F. Peters for L. A. Warehousemen's
Association, interested party.

Elinore Charles, for the Commission staff.

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 written 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.

A public hearing was held before Examiner John Power at Los Angeles on December 22, 1960.

At this hearing the evidence revealed that the building in which respondent had conducted warehouse operations was leased in July of 1959 to another company and respondent gave up possession. That building was in Hawthorne. In the instant proceeding respondent claims a "grandfather" right in Torrance on the ground that it has

space available to it in a building owned by Columbia Van Lines, respondent in Case No. 6958. Colombia Van Lines is asking for 10,000 sq. ft. in the same building which Section 1051 allows Columbia Van Lines to extend by 50,000 sq. ft. without further permission. The building had only 35,000 sq. ft. of total floor space available on the hearing date. The Commission is of the opinion that the "grandfather" right should go to the owner, namely, Columbia Van Lines.

The matter having been submitted the Commission finds:

That respondent was not conducting operations in good faith as a public utility warehouseman 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, 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:

1. That any and all operative rights of Columbia Export Packers, Inc., as a public utility warehouseman, as that term is defined in Section 239 (b) of the Public Utilities Code, are hereby annulled.
2. That any and all powers of attorney on file with the Commission in the name of Columbia Export Packers, Inc., as a public utility warehouseman, are hereby canceled.

3. That Jack L. Dawson, Agent, is hereby authorized and directed to cancel the participation of Columbia Export Packers, Inc., 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.

4. That 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 Columbia Export Packers, Inc., and upon Jack L. Dawson.

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

Dated at San Francisco, California, this 11th day of April, 1961.

Robert W. Pope
President
W. E. Michel
E. Lyn Fox
George E. Grover
Frederick B. Holcomb
Commissioners