

61851

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own)
 motion into warehouse operative rights)
 of L. Jouett, doing business as Owens)
 Bros. Transfer & Storage.)

Case No. 6956

Frank Loughran, for respondent.
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 she 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 San Francisco on March 23, 1961, and the matter submitted.

Respondent's manager testified as a witness in her behalf. He related that she had stored for an electric company. An exhibit was introduced through this witness giving dates of such storage. Storage was also performed for a department store. Respondent has a building with 40' x 180' of available space with a mezzanine providing an additional 800 square feet. The witness knew of no other public warehouse in Santa Cruz. There is a spur track to the warehouse.

Based on the evidence of record in this proceeding, 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 location 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, 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 by reason of operations conducted in good faith on September 1, 1959, and by respondent's tariff filing, of which official notice is taken, L. Jouett 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. That 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 L. Jouett.

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

Dated at San Francisco, California, this 18th day of April, 1961.

Geoffrey W. Boyd

President

W. H. ...

Commissioner

George A. ...

Commissioner

Commissioners

C. Lyn Fox
Commissioner ~~Frederick R. Halabart~~ being necessarily absent, did not participate in the disposition of this proceeding.

L. Jouett 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>
Santa Cruz	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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