

61852

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 Walter F. Peters and
Myron D. Peters, doing business as
PETERS TRUCK LINES.

Case No. 6959

Frank Loughran, for respondents.
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 respondents have acquired a prescriptive right [as a public utility warehouseman] by reason of operations conducted in good faith on September 1, 1959 under tariffs and schedules of respondents lawfully on file with the Commission. Respondents have filed a written response to the order alleging that they were, 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 22, 1961, and the matter submitted.

Walter F. Peters, one of the partners respondent, was sworn and testified as a witness. He stated that respondents have terminals in Yreka, which they own, and in Mt. Shasta, which they rent. In each there is a space 32' x 40' under roof, excluding the office space. They have stored goods for Western Electric Company and two boys' camps for some years. The telephone gear comes from all over the country. Some arrives by rail, some by trucking companies other than respondents'. Respondents deliver most of this property to the

job sites. The boys' camp property comes in an unspecified manner and is usually removed by the storers in their own vehicles. Warehouse receipts have not been issued but respondents propose such issue in the future.

The Commission finds and concludes that respondents were, on September 1, 1959 operating as a public utility 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, public hearing having been held and the Commission basing its order upon the evidence adduced at such hearing, the response filed by respondents, the tariffs, schedules and annual reports of respondents,

IT IS ORDERED that:

1. By reason of operations conducted in good faith on September 1, 1959 and by respondents' tariff filing, of which official notice is taken, Walter F. Peters and Myron D. Peters possess 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 Walter F. Peters and Myron D. Peters.

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

Dated at San Francisco, California, this 19th day of APRIL, 1961.

Harold W. Page

President

Edith C. [unclear]

George G. Grover

Commissioners

En. Lyn Fox

Commissioner Frederick B. Holoboff being necessarily absent, did not participate in the disposition of this proceeding.

Walter F. Peters and Myron D. Peters possess 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>
Yreka	1,280
Mt. Shasta	1,280

(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.

Decision No. 61853, Case No. 6959.