

Decision No. 61968**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own
 motion into warehouse operative rights
 of Henry W. Bigge, doing business as
 BIGGE WAREHOUSE COMPANY.

Case No. 6952

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 public utility warehouseman as defined by Section 239(b) of the Public Utilities Code 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 under said section in good faith on said date under tariffs and schedules lawfully on file with the Commission.

Subsequent to filing such response, respondent has communicated to the Commission in writing his consent to the entry of a finding as hereinafter set forth. Therefore, a public hearing is not necessary. Accordingly, the Commission finds that respondent was not conducting in good faith operations of the type contemplated by Section 239(b) of the Public Utilities Code 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, and the Commission basing its order upon the responses filed by respondent, the tariffs, schedules and annual reports of respondent,

IT IS ORDERED that:

1. Any and all purported operative rights of Henry W. Bigge, as a public utility warehouseman, as that term is defined in Section 239(b) of the Public Utilities Code, are hereby annulled.

2. Any and all powers of attorney on file with the Commission in the name of Henry W. Bigge, as a public utility warehouseman, are hereby canceled.

3. Warehouse Tariff No. 1, Cal. P.U.C. No. 1, of Henry W. Bigge, doing business as Bigge Warehouse Company, is hereby canceled.

4. Case No. 6952 is discontinued upon the effective date hereof.

The Secretary is directed to cause service of a certified copy of this order to be made forthwith upon respondent.

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

Dated at San Francisco, California, this 9th day of MAY, 1961.

Ernest A. Rose
President

John J. H. [unclear]

George J. Hoover

Fredrick B. Hallock
Commissioners