

Decision No. 62061**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own )  
 motion into warehouse operative rights )  
 of A. P. Bosco, doing business as )  
 McGEE'S VAN AND STORAGE CO. }

Case No. 6921

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 utility warehouseman, as defined in 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 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. The Commission accordingly finds that respondent was not conducting operations as a public utility warehouseman, within the meaning of said Section of said Code, in good faith 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 responses filed by respondent, the tariffs, schedules and annual reports of respondent,

IT IS ORDERED that:

1. Any and all purported operative rights of A. P. Bosco, 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 A. P. Bosco, as a public utility warehouseman, are hereby canceled.

3. Warehouse Tariff No. 1, Cal. P.U.C. No. 1, of A. P. Bosco, doing business as McGee's Van and Storage Co. (issued by Jack L. Dawson, Agent), is hereby canceled.

4. 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 forthwith upon respondent.

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

Dated at San Francisco, California, this 31st day of May, 1961.

*Carroll W. Pease*  
 President

*E. J. [unclear]*

*George G. Grover*

*Fredrick B. Holoboff*

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 Commissioners