

Decision No. 62725**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CARL W. MONTGOMERY,
 an individual doing business as
 CRYSTAL COLD STORAGE WAREHOUSE,
 under Section 1053 of the Public
 Utilities Code to discontinue public
 utility warehouse operations.

Application No. 43663

O P I N I O N

Applicant seeks authority to withdraw from the public cold storage warehouse business. There were no protests. Of eight storers listed in the application a member of the Commission's staff was able to reach six by telephone. All disclaimed an intention to protest.

In support of his request applicant alleges that his operation was, primarily, that of a pre-cooler of citrus by-products. Due to the expansion of industry and residential subdivisions and a tendency of the citrus industry to convert to frozen products there has been a decline in patronage. The number of accounts served per month during the year ended in June, 1961 varied from 6 to 14. In the same period the percentage of applicants' dedicated space (9036 square feet) that was utilized varied from 20% to 40%. In June of 1961 the totals were eight accounts and 23% of floor space.

The Commission finds that public convenience and necessity no longer require the public utility warehouse service of applicant. A public hearing is not necessary.

O R D E R

Application having been filed and the Commission having considered the same and each and every allegation thereof,

IT IS ORDERED:

That Carl W. Montgomery is hereby authorized to discontinue his public utility warehouse operation at Anaheim, on or before January 31, 1962, subject to the following conditions:

1. Applicant shall continue as a public utility warehouseman, rendering all services specified in his tariff, at rates and charges therein provided, so long as any property remains in storage in his warehouse; except that from and after the date of filing the written acceptance specified in Condition 2 hereof, applicant shall not be required to receive any additional goods for storage.
2. Applicant shall, within twenty days after the effective date of this order, file with the Commission his written acceptance of this order, including all of the provisions and conditions thereof.
3. Applicant shall cause to be prepared and to be mailed or otherwise delivered to each of his storage patrons on or before twenty days after the effective date of this order, a true and complete copy of this order.
4. Applicant's storage patrons may designate any available public warehouse or other location within the vicinity of Anaheim to which their stored property shall be moved; however, in the absence of such election on or before sixty days after the effective date hereof, applicant may transport such property to any public utility warehouse within that vicinity.
5. Applicant shall pay, for his own account, and at no expense to his patrons, any and all costs connected with the transfer of stored property from his warehouse to other locations, whether designated by his patrons or otherwise, including transportation, the handling charges of the receiving warehouse, and any additional storage charges occasioned by a difference in storage periods between his own and the receiving warehouse.

- 6. Applicant shall, promptly on removal of all stored property from his warehouse, (a) file with the Commission a verified statement that he has fully complied with Conditions 1 to 5, inclusive, and (b) cancel all tariffs, concurrences and powers of attorney which he has on file with the Commission. Upon the effective date of such cancellation the operative right of applicant as a public utility warehouseman shall stand revoked.

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

Dated at Los Angeles, California, this 24th day of OCTOBER, 1961.

Peter E. Mitchell President
E. J. [unclear]
George T. Grover
Frederick B. Hallock Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.