

**ORIGINAL**

Decision No. ~~60222~~

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's  
own motion into warehouse operative  
rights of WESTERN TRUCK LINES, LTD.,  
a corporation. }

Case No. 6966

Glanz, Russell & Schureman, by Arthur H. Glanz,  
for respondent.  
Carl E. Peters, for Los Angeles Warehousemen's  
Association, interested party.  
Elinore Charles, for the Commission staff.

O P I N I O N

The present investigation was instituted on September 13, 1960. Its purpose is to determine the grandfather right, if any, possessed by respondent which would entitle such respondent to engage in business as a public warehouseman. Respondent contends that it is so entitled at eight locations in seven communities.

Public hearing was held before Examiner John Power in Los Angeles on December 20, 1960. Respondent's traffic manager testified. Counsel for respondent and the Commission's staff and a representative of the Los Angeles Warehousemen's Association assisted in developing the record.

Respondent is primarily a common carrier of property in interstate and intrastate commerce. Its operations cover a considerable portion of the State. In the course of such operations Western found it necessary to construct terminals. Inevitably these were used for storage, especially of that type of storage traditionally associated with transportation. These chiefly involve refused or poorly addressed shipments.

The traffic manager testified that respondent will store any goods offered by the public whether the offeror is a carrier customer or not. It has a very few warehouse customers of a typical sort. It does not specifically solicit warehouse business, but has mentioned warehouse services in newspaper advertisements in some of the communities involved. These advertisements also solicited trucking business.

The respondent has provisions in its highway common carrier tariff for storage of refused, unclaimed or will-call freight. Also, certain storage duties are imposed on carriers by bills of lading which follow forms now in use in the transportation industry. The following order will give effect to the fact that respondent's claimed rights as a public utility warehouseman, as defined in Section 239(b) of the Public Utilities Code, except at Blythe, do not exist. It will cancel its participation in public warehouse tariffs. This action will not preclude respondent from continuing warehouse operations under the terms of its common carrier tariffs when such operations are incidental to its transportation services or are required by a lawful bill of lading.

The Commission finds that respondent was not conducting operations in good faith as a storer of property for the public generally within the meaning of Section 239(b) of the Public Utilities Code on September 1, 1959, except at Blythe. Operations at places other than Blythe, we find, were conducted in connection with or to facilitate the transportation of property by a common carrier or vessel or the loading or unloading of property within the meaning of Section 239(a) of said Code, for which no certificate is required.

The Commission further finds that respondent was, on September 1, 1959, operating as a public utility warehouseman the space at the location set forth in Appendix A attached to the following order, namely, Blythe, and 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 findings and record, herein,

IT IS ORDERED that:

1. By reason of operations in good faith on September 1, 1959, Western Truck Lines, Ltd., a corporation, possesses a prescriptive right as a public utility warehouseman, as that term is defined in 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. T.A.L. Loretz, Agent, is hereby authorized and directed to cancel from warehouse tariff filed by him as agent, the participation of Western Truck Lines, Ltd., for application therein of rates and charges at Tahoe Valley, Bishop, Lone Pine, Ridgecrest, Fresno and Vernon, said cancellation to be made within sixty days after the effective date of this order and on not less than five days' notice to the Commission and to the public.
3. 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 forthwith upon respondent in this proceeding, and upon T.A.L. Loretz, Agent.

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

Dated at San Francisco, California, this 6th day of February, 1962.

Wendell H. Page  
President  
John L. Mitchell  
E. J. Fox

Commissioners

Western Truck Lines, Ltd., 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<br/>Feet of Floor Space</u> |
|-----------------|---|
| Blythe          | 2,200   |

(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. 63232, Case No. 6966.