

Decision No. 66289

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of )  
W. J. ROBINSON and EDWARD J. OLSON, )  
a partnership, dba ROBINSON'S, for )  
authority to abandon prescriptive )  
warehouseman's right at Clements, )  
California, and for cancellation )  
of tariff. )

Application No. 45669  
(Filed August 12, 1963)

OPINION AND ORDER

W. J. Robinson and Edward J. Olson, a co-partnership, doing business as Robinsons, operate as a public utility warehouseman at Clements (San Joaquin County) and have on file with the Commission<sup>1</sup> a tariff naming rates for the storage of sacked grain and beans. By this application, they seek authority to discontinue the public utility warehouse operations involved and to cancel their tariff.

Applicants state that their annual reports show that there has been diminishing use of their storage facilities by the public and these annual reports indicate yearly declines from 150 tons of grain stored in 1957 to 19½ tons of grain stored in 1962. Applicants further state that there was no grain in storage at their warehouse at the close of the year 1962 and no grain is stored there at this time.

Applicants allege that they have no facilities in their warehouse for bulk storage of grain; practically all grain growers now harvest in bulk; most farmers have bulk storage bins on their own farms or store their grain in a bonded warehouse where they may

<sup>1</sup>

Prescriptive warehouse operative rights were determined for applicants by order of the Commission dated August 23, 1960, in Case No. 6874. Applicants are authorized to operate 16,000 square feet of warehouse floor space at Clements.

be eligible for government loans; there has been no request for negotiable warehouse receipts for at least 10 years; and, in fact, they have never issued such receipts.

Applicants further allege that the Southern Pacific Railroad Company has removed the rails serving the warehouse; no disposition is to be made of the property since it is not owned but leased; this lease expires December 31, 1963; and the property, in any event, will be used in the private grain and feed business as needed.

In the circumstances, it appears, and the Commission finds, that the discontinuance of public warehouse operations as proposed herein will not be adverse to the public interest. Applicants will be authorized to discontinue public utility warehouse operations. A public hearing is not necessary.

Good cause appearing,

IT IS ORDERED that W. J. Robinson and E. J. Olson, doing business as Robinsons, are hereby authorized to discontinue public utility warehouse operations at Clements and the prescriptive operative right as a public utility warehouseman possessed by W. J. Robinson and E. J. Olson as determined by order dated August 23, 1960, in Case No. 6874, is hereby revoked, subject to the following conditions:

- a. Applicants shall continue operating as a public utility warehouseman at Clements, rendering all services specified in their tariffs, at rates and charges therein provided, so long as any property remains in storage in their warehouse; except that from and after the date of filing the written acceptance specified in Condition b hereof, applicants shall not be required to receive any additional goods for storage.

- b. Applicants shall, within twenty days after the effective date of this order, file with the Commission their written acceptance of this order, including all of the provisions and conditions thereof.
- c. Applicants shall cause to be prepared and to be mailed or otherwise delivered to each of their storage patrons, on or before twenty days after the effective date of this order, a true and complete copy of this order.
- d. Applicants shall, at the direction of the owner of any property remaining in storage, transport such property to any available public warehouse at the expense of applicants and at no expense or risk to the owner of the property transported.
- e. Applicants shall, promptly on removal of all stored property from their warehouse, (a) file with the Commission a verified statement that they have fully complied with Conditions a to d, inclusive, and (b) cancel their tariff effective concurrently with the effective date of the discontinuance of service on not less than ten days' notice to the Commission and the public.

This order shall become effective twenty days after the date hereof.

Dated at San Francisco, California, this 5<sup>th</sup> day of November, 1963.

William L. Beards  
President  
Earl E. Mitchell  
Conrad W. Bage  
George L. Grover  
Fredrick B. Holbrook  
Commissioners