

ORIGINAL

Decision No. 67543

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the operations,
rates and practices of PACKERS
COLD STORAGE, INC., a corpora-
tion; ANAHEIM COLD STORAGE, INC.,
a corporation; and LA HABRA COLD
STORAGE, INC., a corporation.

Case No. 6409

Wadsworth, Fraser & McClung, by E. L. Fraser, for
respondents.
R. L. Whitehead, for Kraft Foods, interested party.
Hugh N. Orr and Robert C. Marks, for the Commission
staff.
Vaughan, Paul & Lyons, by John G. Lyons, for
Beall Refrigerating Co., Bercut Richards Cold
Storage Co., B-Lo Cold Storage Co., Burbank
Refrigerating Company, California Ice and Cold
Storage Co., Inc., Crystal Ice and Cold
Storage Warehouse, Eureka Ice & Cold Storage
Company, Federal Ice & Cold Storage Company,
Haslett Warehouse Company, Market Wholesale
Grocery Co., dba Ice Sickle Zero Storage, Kern
Ice & Cold Storage Company, Lawrence Warehouse
Company, Lincoln Cold Storage Company, Inc.,
Los Angeles Cold Storage Co., Merchants Ice and
Cold Storage Company, Merchants Refrigerating
Company of California, Modern Ice & Cold Storage
Co., National Ice and Cold Storage Company of
California, National Storage Company, Pacific
Cold Storage, Inc., Patterson Frozen Foods
Warehouse, Inc., Santa Clara Cold Storage &
Freezer Co., Terminal Refrigerating Company,
Triangle Cold Storage Co., Turlock Refrigerating
Company, Union Ice & Storage Company, U. S.
Growers Cold Storage, Inc., and Pacific States
Cold Storage Warehousemen's Association,
interveners.

OPINION AND ORDER ON REHEARING

On September 24, 1963, the Commission entered Decision
No. 66065 in this matter. The order, in part, provided that the
decision was to become effective, as to each respondent, twenty
days after personal service was made upon it. Each respondent was

personally served with a copy of Decision No. 66065 on September 30, 1963. The respondents filed a Petition for Rehearing on October 14, 1963. The petition did not operate to suspend the effective date of the order in Decision No. 66065. (Pub. Utilities Code, Sec. 1733.) No order has been entered suspending the effective date of the order in Decision No. 66065.

The Commission, on December 17, 1963, in Decision No. 66464 entered an Order Granting Rehearing, which limited the rehearing to oral argument on the existing record. Oral argument was held in San Francisco on April 17, 1964, before Commissioner Grover and Examiner Jarvis, with Commissioners Mitchell, McKeage and Holoboff in attendance. The matter was submitted on that date.

The Commission has considered the record in this matter in the light of the arguments presented at the rehearing and finds and concludes that there is nothing to indicate that Decision No. 66065 is unjust or unwarranted or that it should be changed.

IT IS ORDERED that Decision No. 66065 is hereby affirmed.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 14th day of July, 1964.

Frederick B. Holoboff
President
George T. Grover

Commissioners

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

at

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BENNETT, William M., Commissioner, Dissenting Opinion:

I dissent to the Opinion and Order on rehearing being of the view that the record does not disclose any holding out to serve the public generally or evidence any intent to dedicate property to a public utility purpose. (cf. Pajaro Valley Cold Storage Co. v. Public Utilities Comm., 54 Cal. 2 256.)


WILLIAM M. BENNETT
Commissioner

Dated at San Francisco, California,
July 16, 1964.