Decision No. __68092

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's motion into warehouse operative rights of Howard T. Johnston, doing business as CALIFORNIA SEED & FERTILIZER CO.

Case No. 6728

ORDER SUSPENDING OPERATIVE RIGHT

Howard T. Johnston, doing business as California Seed & Fertilizer Co., possesses a prescriptive operative right as a public utility warehouseman at Yuba City, California.

The Commission received a copy of a cancellation notice dated July 1, 1964, addressed to the warehouseman whereby Jack L. Dawson, Agent, notified him that his participation in California Warehouse Tariff Bureau Warehouse Tariff No. 38, Cal.P.U.C. No. 203, and California Seed & Fertilizer Company (Howard T. Johnston) Warehouse Tariff No. 3, Cal.P.U.C. No. 3, would be canceled effective October 15, 1964.

By letter from the Secretary of the Commission, dated June 30, 1964, Howard T. Johnston was placed on notice that his certificate would be subject to suspension or revocation, pursuant to lawful procedures, should he fail to maintain a tariff in effect. The publishing agent filed with this Commission a tariff revision canceling the participation of Howard T. Johnston from the tariffs effective October 15, 1964. No substitute tariff has been filed by the warehouseman.

Section 489 of the Public Utilities Code requires that warehousemen, among others, file with this Commission schedules showing their rates and classifications.

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The required tariff not being on file and the Commission finding that such failure constitutes good cause for the suspension of this warehouseman's certificate,

IT IS ORDERED that the public utility warehouse operative

IT IS ORDERED that the public utility warehouse operative right possessed by Howard T. Johnston, doing business as California Seed & Fertilizer Co., as determined by the order of the Commission dated August 1, 1960, in Case No. 6728, is hereby suspended pending further order.

The Secretary is directed to cause service of a certified copy of this order to be made upon Howard T. Johnston or to mail a certified copy thereof to him at his last known address as shown in the Commission's records.

The effective date of this order shall be the twentieth day after such service or after such mailing, as the case may be, unless before such effective date Howard T. Johnston shall have filed with this Commission a written request for public hearing in which event the effective date of this order shall be stayed until further order of the Commission.

Dated at San Francisco, California, this _____ day of October, 1964.

President

Teorge I Trover

Commissioners

Commissioner William M. Bennett. being necessarily absent, did not participate in the disposition of this proceeding.