

Decision No. 68592

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application of )  
JOHN F. MILLER, CARMELINA McKEEHAN )  
and REESE F. STUART, Executor of the )  
ESTATE OF CHARLES H. STUART, partners )  
doing business as VALLEY FEED AND )  
WAREHOUSE CO. for authority to )  
discontinue as a Public Utility. )

Application No. 47159  
(Filed December 2, 1964)

OPINION AND ORDER

John F. Miller, Carmelina McKeehan and Reese F. Stuart, Executor of the Estate of Charles H. Stuart, doing business as Valley Feed and Warehouse Co., operate as a public utility warehouseman at Moorpark, California.<sup>1</sup> By this application, they seek authority to discontinue the public utility warehouse operations involved.

Applicants state that their public utility warehouse operations consist of the storage and handling of grain and beans at Moorpark and servicing the eastern portion of Ventura County. It is alleged that this portion of Ventura County is rapidly changing from an agricultural area into an urban area with subdivisions replacing land which was formerly used for the growing of grain and beans. Applicants further allege that, where they formerly stored about 2500 tons of beans and/or grain annually, they stored only 354 tons in 1963 and 308 tons in 1964. Applicants aver that the proposed discontinuance of their warehouse operations would have no effect on the price the public must pay, or the storer would receive, for the beans and grain.

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<sup>1</sup>The prescriptive operative right was determined by order of the Commission, dated August 1, 1960, in Case No. 6716.

Attached to the application as exhibits are letters from applicants informing various interested customers of their intention to discontinue public utility warehouse operations and replies from the storers involved stating that they have no objection to such discontinuance.<sup>2</sup>

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. The application should be granted. A public hearing is not necessary.

IT IS ORDERED that John F. Miller, Carmelina McKeehan and Reese F. Stuart, Executor of the Estate of Charles H. Stuart, doing business as Valley Feed and Warehouse Co., are hereby authorized to discontinue public utility warehouse operations at Moorpark and the prescriptive operative right as a public utility warehouseman possessed by John F. Miller, Chas. H. Stuart and Carmelina McKeehan, doing business as Valley Feed & Whse. Co., as determined by order dated August 1, 1960, in Case No. 6716, is hereby revoked, subject to the following conditions:

- a. Applicants shall continue operating as a public utility warehouseman at Moorpark, 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.

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<sup>2</sup> Eight public utility warehouses are located within approximately thirty miles of Moorpark.

- 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.

The Secretary of the Commission is directed to mail a copy of this order to Jack L. Dawson, Agent.

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

Dated at San Francisco, California, this 9th day of February, 1965.

Frederick B. Holshoff  
President  
George H. Crover  
William B. Bennett  
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.