

Decision No. 69099

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
own motion into warehouse operative)
rights of W. L. IREY.)

Case No. 6848

OPINION AND ORDER

W. L. IreY possesses a prescriptive operative right as a public utility warehouseman for the operation of 7,300 square feet of storage or warehouse floor space in the City of Lodi.¹

The warehouseman has informed the Commission by letter that he desires to discontinue the public utility warehouse operations involved. He alleges that, in recent years, his warehouse space has been devoted almost exclusively to the storage of secondhand, used household goods in connection with his household moving business.² He asserts that the demand for commercial storage space in Lodi has been virtually nonexistent as the wineries, canneries and other businesses in the area have their own storage facilities.

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

¹W. L. IreY also holds permits to operate as a city carrier, radial highway common carrier, highway contract carrier and household goods carrier.

²The storage of secondhand household goods is exempt from regulation by this Commission under the provisions of Section 239(b) of the Public Utilities Code.

IT IS ORDERED that:

1. W. L. Ireby is hereby authorized to discontinue public utility warehouse operations in the City of Lodi and the prescriptive operative right as a public utility warehouseman possessed by W. L. Ireby, as determined by the Commission's order dated August 16, 1960, in Case No. 6848, is hereby revoked, subject to the following conditions:

- a. Applicant shall continue as a public utility warehouseman at Lodi rendering all services specified in his tariff, at rates and charges therein provided, so long as any property remains in storage in his warehouse; except that from and after the date of filing the written acceptance specified in Condition b hereof, applicant shall not be required to receive any additional goods for storage.
- b. Applicant shall, within twenty days after the effective date of this order, file with the Commission his written acceptance of this order, including all of the provisions and conditions thereof.
- c. Applicant shall cause to be prepared and to be mailed or otherwise delivered to each of his storage patrons, on or before twenty days after the effective date of this order, a true and complete copy of this order.
- d. Applicant 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 applicant and at no expense or risk to the owner of the property transported.
- e. Applicant shall, promptly on removal of all stored property from his warehouse, (a) file with the Commission a verified statement that he has fully complied with Conditions a to d, inclusive; and (b) cancel his 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 Los Angeles, California, this 18th day of May, 1965.

Frederick B. Halaliff
President
George H. Hoover
Commissioners

Commissioner A. W. GATOV
present but not voting.

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