

ORIGINALDecision No. 69150

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Edwin Rand, aka A. O. Smith,
Complainant,

vs.

Beverly Hills Transit & Storage Co.,
Defendant.

Case No. 7929

ORDER AMENDING DECISION
AND DENYING REHEARING

A petition for rehearing of Decision No. 68690 having been filed by Edwin Rand, also known as A. O. Smith, and the Commission having considered said petition and each and every allegation therein, and being of the opinion that said Decision No. 68690 should be amended as ordered herein, and being of the further opinion that good cause for rehearing has not been made to appear,

IT IS ORDERED that Decision No. 68690 is hereby amended as follows:

1. Last full paragraph (Mimeo. p. 7) is amended to read as follows:

"Under the provisions of Minimum Rate Tariff No. 4-A, the carrier is required to furnish a confirmation of shipping instructions and rate quotation to the shipper prior to transportation. It appears that the document prepared on April 6, 1962 was for this purpose. Complainant did not dispute that the entry 'to same, storage' appeared on this document when he signed it, nor that he had no definite ultimate destination in mind on April 6, 1962, on May 28, 1962, or on the date of shipment. Permanent storage was

accorded by defendant based upon complainant's instructions concerning the transaction. It has not been shown that storage-in-transit was requested or ordered by complainant."

2. Paragraph 3 (page 11 of said Decision) is amended to read as follows:

"3. This Commission has no jurisdiction over the charges for repacking materials and labor furnished at defendant's warehouse, as such charges were incurred upon removal of the goods from defendant's warehouse in contemplation of a movement in interstate commerce; such movement, being interstate in character, is not subject to the jurisdiction of this Commission. (Section 5111 of the Public Utilities Code.)"

Rehearing of Decision No. 68690, as amended herein, is hereby denied.

The Secretary of the Commission is directed to cause service of this order to be made upon complainant and defendant.

Dated at San Francisco, California, this 1st day of June, 1965.

Fredrick B. Holmquist
President

George T. Crover

Avogadro

William La Sencus
Commissioners

Commissioner Peter E. Mitchell
present but not voting.