

**ORIGINAL**Decision No. 70133

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint Application )  
of J. F. Retherford and A. L. Way, a )  
copartnership, doing business as )  
EXETER COLD STORAGE CO., for an order )  
authorizing the sale to and purchase )  
by J. F. RETHERFORD, also known as )  
JASPER F. RETHERFORD, an individual, )  
of operative rights and properties; )  
said J. F. RETHERFORD as a sole pro- )  
priator to continue the operation of )  
said properties (warehouse), as a )  
public utility warehouseman; and for )  
an order authorizing the abandonment )  
of operative rights and properties. )

Application No. 48121  
(Filed December 13, 1965)

O P I N I O N

Applicants seek two things. First, they wish authority to transfer Way's partnership interest to Retherford. Second, Retherford seeks authority to abandon public utility warehouse service.

In support of this request they allege that Way became too ill to contribute to the business. Accordingly, he transferred his interest to Retherford for \$20,000. This transaction was consummated as of February 29, 1964. The sale required Commission approval which was not obtained at that time. Retherford has, however, operated the business since that time as a sole proprietor.

Retherford alleges that the number of customers dwindled until the entire space was committed to a single customer. This customer desires to purchase the physical property for use as his private warehouse. Therefore, Retherford wants authority to abandon service as a public utility.

The right involved is a prescriptive one to 19,832 square feet of floor space in Exeter, California. It was created by an Order Instituting Investigation and Determining Operative Right dated July 26, 1960.

In view of the fact that this business is abandoning the utility warehouse field, the irregularities in the Way-Retherford transfer may be disregarded. The abandonment will be authorized.

The Commission finds that public convenience and necessity will, in the future, no longer require the public utility warehouse services of J. F. Retherford also known as Jasper F. Retherford.

The Commission concludes that the application should be granted.

O R D E R

IT IS ORDERED that:

1. The transfer of the warehouse operative right as proposed in this application is hereby granted.
2. J. F. Retherford, also known as Jasper F. Retherford, may discontinue public utility warehouse service at Exeter, Tulare County, on one day's notice to the Commission and the public.
3. All warehouse tariffs presently on file with this Commission in applicants' names are canceled when service is discontinued as provided by this order.

4. The prescriptive operative right as a public utility warehouseman possessed by J. F. Retherford and A. L. Way, doing business as Exeter Cold Storage Co., as determined by order dated July 26, 1960, in Case No. 6660 and acquired herein by J. F. Retherford, also known as Jasper F. Retherford, is hereby revoked when service is discontinued as provided by this order.

5. The authority herein granted shall expire unless exercised within ninety days after the effective date of this order.

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

Dated at San Francisco, California, this 21st day of DECEMBER, 1965.

Frederick B. Holliffe  
President

James L. [unclear]

[unclear]

William W. Bennett  
Commissioners

Commissioner George G. Grover  
present but not voting.