

Decision No. 70502

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's )  
own motion into warehouse operative )  
rights of Harold W. Ernst, Elsworth )  
L. Ernst, Wilmar F. Ernst and )  
Eugene W. Ernst, doing business as )  
ERNST BROS. WAREHOUSE. )

Case No. 6641

ORDER REVOKING WAREHOUSE OPERATIVE RIGHT

Harold W. Ernst, Elsworth L. Ernst, Wilmar F. Ernst and Eugene W. Ernst, doing business as Ernst Bros. Warehouse, possess a prescriptive operative right as a public utility warehouseman for the operation of 2382 square feet of storage or warehouse floor space at Paso Robles. Elsworth L. Ernst has informed the Commission by letter that the partnership has been primarily raising wheat, barley and cattle since 1945 and has not stored for the public since 1961. Because of these conditions, he requests that the prescriptive operative right be revoked.

In the circumstances, it appears, and the Commission finds, that the revocation of the prescriptive warehouse operative right as requested will not be adverse to the public interest. The Commission concludes that the prescriptive operative right should be revoked and the tariff applicable to the services thereunder should be canceled. A public hearing is not necessary.

IT IS ORDERED that:

1. The prescriptive operative right as a public utility warehouseman possessed by Harold W. Ernst, Elsworth L. Ernst, Wilmar F. Ernst and Eugene W. Ernst, doing business as Ernst Bros. Warehouse, as determined by order dated July 26, 1960, in Case No. 6641, is hereby revoked.

2. Jack L. Dawson, Agent, is hereby authorized and directed to cancel the participation of Harold W. Ernst, Elsworth L. Ernst, Wilmar F. Ernst and Eugene W. Ernst, doing business as Ernst Bros. Warehouse, from his Warehouse Tariff No. 38, Cal.P.U.C. No.203, on file with the Commission, such cancellation to be made within ninety days after the effective date of this order on not less than ten days' notice to the Commission and to the public.

The Secretary is directed to cause service of a certified copy of this order to be made upon Harold W. Ernst, Elsworth L. Ernst, Wilmar F. Ernst and Eugene W. Ernst, or to mail a certified copy thereof to them at their last known address as shown in the Commission's records and to mail a copy of this order to Jack L. Dawson, Agent.

The effective date of this order shall be the thirtieth day after such service upon Harold W. Ernst, Elsworth L. Ernst, Wilmar F. Ernst and Eugene W. Ernst, or after the above mailing to them unless before such effective date there shall have been 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 29<sup>th</sup> day of March, 1966.

Fredrick B. Holhoff  
President  
George L. Grover  
Commissioners  
William M. Arnold  
Commissioners