

Decision No. 74132

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
WILLIAM B. GROVER, as Trustee in )  
Bankruptcy for Durham Warehouse Co., )  
Inc., a corporation, and of WEST )  
LOS ANGELES MILLING CO., a corpora- )  
tion, for an order authorizing the )  
transfer of certain assets of said )  
bankrupt to West Los Angeles )  
Milling Co.; and )  
In the Matter of the Application of )  
WEST LOS ANGELES MILLING CO. for an )  
order authorizing the lease of a )  
portion of said Durham Warehouse Co. )  
property to TRI-CO COMPANY, a )  
corporation, for non-warehouse )  
purposes. )

Application No. 46708

SUPPLEMENTAL OPINION AND ORDER

West Los Angeles Milling Co., a corporation, hereinafter referred to as applicant, currently possesses prescriptive operative rights as a public utility warehouseman for the operation of storage or warehouse floor space at and in the vicinity of Chino, Durham, El Rio (Ventura County) and Sutter.<sup>1</sup>

Applicant, through its attorney, has informed the Commission by letter that it desires to discontinue warehouse operations at El Rio. Applicant asserts that there are presently two other public warehouses, one in Oxnard and the other in Saticoy, which are operating in competition to its El Rio warehouse. Applicant alleges that these two competing warehouses have sufficient capacity to handle the storage needs of growers in the El Rio area and that the

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<sup>1</sup> Applicant is authorized to operate warehouse floor space (in square feet) as follows: Chino (56,251), Durham (57,000), El Rio (28,600) and Sutter (52,000) pursuant to Decision No. 67605 dated July 28, 1964, in Application No. 46708.

public will suffer no inconvenience by making use of such other public warehouses if its facilities at El Rio are discontinued.

According to applicant, large increases in land values and property taxes that have occurred in the El Rio area, as well as demands for land by subdividers for residential and commercial development, make it undesirable for the landowners to use their properties for farming purposes. As a result, farm production has been declining each year and the need for public storage by the growers in the area has decreased considerably. Applicant avers that during recent months it has been storing property for only five growers in its El Rio warehouse. Applicant states that, if its request for discontinuance of said warehouse is granted, any merchandise in storage at that time will be transferred, at its own expense, to another licensed public warehouse located nearby.

In the circumstances, it appears, and the Commission finds, that revocation of the prescriptive operative right at El Rio and vicinity, as requested, would not be adverse to the public interest. A public hearing is not necessary. The Commission concludes that: (1) the operative right involved should be revoked; (2) the prescriptive operative rights of applicant should be restated, in appendix form, to cover the remaining warehouse operations to be conducted by said warehouseman; and (3) applicant's tariff applicable to services performed at El Rio should be amended to reflect discontinuance of warehouse operations at said location.

IT IS ORDERED that:

1. The prescriptive operative right as a public utility warehouseman at El Rio (Ventura County), possessed by West Los Angeles Milling Co., a corporation, as set forth in Appendix A to Decision No. 67605 dated July 28, 1964, in Application No. 46708, is hereby revoked subject to the following conditions:

a. Applicant shall continue as a public utility warehouseman at El Rio (Ventura County) rendering all services specified in its tariffs, at rates and charges therein provided, so long as any property remains in storage in its 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 its 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 its 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.

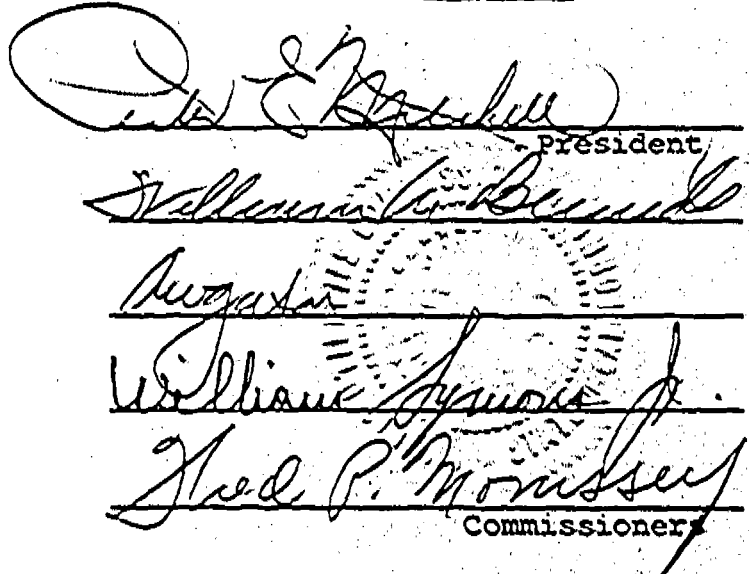
e. Applicant shall, promptly on removal of all stored property from its warehouse, (a) file with the Commission a verified statement that it has fully complied with Conditions a to d, inclusive, and (b) amend its tariffs on file with the Commission governing warehouse operations at El Rio (Ventura County) to reflect the authority herein granted, such amendment 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.

2. The prescriptive operative rights set forth in Appendix A, attached hereto and made a part hereof, are in lieu of and supersede the operative rights described in Appendix A to Decision No. 67605 dated July 28, 1964, in Application No. 46708, effective concurrently with the effective date of tariff filings required by Condition e in paragraph 1 hereof.

The Secretary is directed to cause service of a certified copy of this order to be made upon West Los Angeles Milling Co., or to mail a certified copy thereof to it at its last known address as shown in the Commission's records and 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 21<sup>st</sup> day of May, 1968.

  
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President  
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Commissioner

APPENDIX A  
(Cancels and Supersedes Appendix A to Decision No. 67605)

WEST LOS ANGELES MILLING CO.  
(a corporation)

West Los Angeles Milling Co., a corporation, possesses prescriptive operative rights as a public utility warehouseman for the operation of storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Chino and vicinity	56,251
Durham and vicinity	57,000
Sutter and vicinity	52,000

(The floor space shown above is exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.)

Issued by California Public Utilities Commission.

Decision No. 74132, Application No. 46708.