

Decision No. 74984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
own motion into warehouse operative)
rights of Samjo, Inc., a corporation,)
doing business as SMISER WAREHOUSE.)

Case No. 6873

ORDER REVOKING WAREHOUSE OPERATIVE RIGHT

Samjo, Inc., a corporation, (Samjo) doing business as Smiser Warehouse, possesses a prescriptive operative right as a public utility warehouseman for the operation of storage or warehouse floor space at Bakersfield.

The warehouse annual reports of Samjo for the years 1965 through 1967 show no revenue from warehouse operations but indicate that income for rental of the warehouse was received.

In investigating the public utility status of this warehouseman, the Commission staff was informed by Samuel L. Smiser, president of Samjo, that the company has not operated as a public utility since 1964, that the warehouse has been leased to Montgomery Ward and that said lease will not expire until December, 1974.

Samjo, Inc., having discontinued service as a public utility warehouseman without proper authority, the Commission finds that such discontinuance of service constitutes good cause for revocation of the prescriptive warehouse operative right involved and cancellation of the tariff applicable to the service thereunder.

IT IS ORDERED that:

1. The prescriptive operative right as a public utility warehouseman possessed by Samjo, Inc., a corporation, doing business as Smiser Warehouse, as determined by the Commission's order dated August 23, 1960, in Case No. 6873, is hereby revoked.

2. Jack L. Dawson, Agent, is hereby authorized and directed to cancel the participation of Samjo, Inc., doing business as Smiser Warehouse, from his Warehouse Tariff No. 39, Cal.P.U.C. No. 208, 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 Samjo, Inc., 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, and Samuel L. Smiser, 1114 Stockton Street, Bakersfield, California.

The effective date of this order shall be the thirtieth day after such service upon Samjo, Inc., or after the above-mentioned mailing to it, 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 26th day of November, 1968.

William Smiser, Jr.
President
Ed. E. Hatcher
William W. Bennett

Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

-2- Commissioner Fred P. Morrissey, being necessarily absent, did not participate in the disposition of this proceeding.