

Decision No. 81783

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
NAPA MILLING & WAREHOUSE COMPANY, a
corporation, for authorization to
cease operations as a public utility
warehouseman at Napa, California.

Application No. 54114
(Filed June 21, 1973)

O P I N I O N

Napa Milling & Warehouse Company, a California corporation, possesses a prescriptive operative right as a public utility warehouseman for the operation of storage or warehouse floor space at Napa.

In December 1970 applicant ceased operating a public utility warehouse and filed a Certificate of Winding Up and Dissolution with the Secretary of State, State of California, on January 11, 1971. Since that date applicant has conducted no public utility warehouse business. Applicant's assets have been distributed to its shareholders in liquidation proceedings. Applicant failed to notify the Commission that it had ceased operations and that the Napa Milling Company, a partnership, had assumed its public utility warehouse business as of the dissolution date.

Applicant now seeks authority to abandon its public utility warehouse operations. It avers there are only seven storers in the past few years who have utilized applicant's storage facilities, that all seven have been notified of the proposal to discontinue public utility warehouse operations, and that it has offered to move the goods now in its custody to another public utility warehouse or, in the alternative, purchase the goods now in custody at their fair market value.

In the circumstances, it appears, and the Commission finds, that revocation of the prescriptive operative right, as requested, would not be adverse to the public interest. There are no protests. A public hearing is not necessary. The Commission concludes that the operative right should be revoked and that the tariffs applicable to the service thereunder should be canceled.

O R D E R

IT IS ORDERED that:

1. The prescriptive operative right as a public utility warehouseman possessed by Napa Milling & Warehouse Company, as determined by the Commission's order dated June 6, 1960 in Case No. 6514, is hereby revoked.
2. Applicant shall, at the direction of the owner of any property in storage at the present location, transport such property to another available public utility warehouse in the vicinity of Napa at the expense of applicant and at no expense or risk to the owner of the property transported.
3. Within sixty days after compliance with Ordering Paragraph 2 and on not less than five days' notice to the Commission and to the public, applicant shall cancel its tariffs presently on file with the Commission to reflect the authority herein granted.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 21st
day of AUGUST, 1973.

Vernon L. Shuman
President
William J. Shuman
W. J. Shuman
W. J. Shuman
Commissioners