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ORIGINAL

Decision No. 82306

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
BLAKEMAN TRUCKING AND WAREHOUSE CO., )  
a corporation, for (1) a certificate )  
of public convenience and necessity )  
to operate a public warehouse in the )  
City of Salinas, County of Monterey, )  
State of California, and )  
(2) authority to issue stock. )

Application No. 53752  
(Filed December 15, 1972)

Loughran, Berol & Hegarty, by Marshall G. Berol,  
Attorney at Law, for applicant.  
Vaughan, Paul & Lyons, by John G. Lyons, Attorney  
at Law, for Mitchell Silliman Company,  
protestant.  
William Campana, for the Commission staff.

### O P I N I O N

By this application Blakeman Trucking and Warehouse Co., a corporation, seeks a certificate of public convenience and necessity to operate a public warehouse in the city of Salinas, county of Monterey, and authority to issue stock. Public hearing was held May 7, 1973 before Examiner Porter at Salinas and the matter was submitted.

Evidence produced by applicant shows that it has served two companys since it started in business as a warehouseman in March 1972, namely, Schilling Division of McCormick Co., Inc. and Gilroy Foods, Inc., and during that entire period up to the present it has served no other customers. Applicant has been approached by other parties, but has refused to serve them. Applicant does not advertise for its warehousing. Mr. Blakeman, the manager and president of applicant, is of the opinion that he is operating as a private warehouse. The various buildings operated by applicant held to capacity the merchandise of Schilling Division of McCormick Co., Inc. There is no room

for merchandise other than that offered by Schilling Division of McCormick Co., Inc. and Gilroy Foods, Inc. Applicant provides Schilling Division and Gilroy Foods, Inc. with a tailor-made, early morning, and late at night service. The shippers include applicant as part of their own operations making no differential between goods in their own warehouse space and goods which are in applicant's warehouse. A witness testified that the products applicant stores are highly susceptible to a transfer of odor from other products, so would need a warehouse that only handles its type of products. Protestant has no objection to applicant operating as a private warehouse.

The application was filed in response to a staff suggestion, based on a staff study, that applicant's operation was that of a public warehouse. Applicant wishes to operate in a lawful manner and do nothing more than continue its present operation.

The Commission finds that applicant has not devoted its property to public use, but rather has restricted its operation to the service of two select customers. There has been no dedication or holding out of applicant's property to the public. Applicant, therefore, does not require the certificate applied for. The Commission concludes that the application should be denied. ✓✓

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O R D E R

IT IS ORDERED that Application No. 53752 is denied.

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

Dated at San Francisco, California, this 8<sup>th</sup>  
day of JANUARY, 1974

Vernon L. Sturgeon  
President  
William J. ...  
[Signature]  
[Signature]  
[Signature]  
Commissioners