

Decision No. 83354

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's)
own motion into warehouse opera-)
tive rights of Daniel Bayles,)
Jr., and Worth Bayles, doing)
business as Bayles Rice Drier Co.)

Case No. 6675

ORDER REVOKING WAREHOUSE OPERATIVE RIGHT

Daniel Bayles, Jr., and Worth Bayles, doing business as Bayles Rice Drier Co., possess a prescriptive operative right as a public utility warehouseman for the operation of storage or warehouse floor space at Biggs and vicinity.

Annual reports filed with the Commission concerning this warehouse operation indicated that Daniel Bayles, Jr., was conducting such operations as an individual.

Pursuant to staff investigation of this matter, Chester Morris, attorney for Daniel Bayles, Jr., informed the Commission by letter that a partition lawsuit had been filed concerning joint properties that Daniel Bayles, Jr. and Worth Bayles owned, as brothers, and as a partnership and, pursuant to a settlement of that lawsuit, the warehouse was transferred to Daniel Bayles, Jr. since it was located on property that he received as a result of the partition action. Chester Morris also stated that there has been no activity for the last five or six years at the warehouse and the drier has been removed from the tax rolls. He requests that the operative right be revoked and the warehouse tariff be canceled.

By copy of the aforementioned letter to Albert J. Arostegui, attorney for Worth Bayles, and Worth Bayles, Chester Morris asked that Worth Bayles write the Secretary of the Commission expressing his consent to the revocation of the operative

right in question. To date the Secretary of the Commission has not received any communication from Worth Bayles concerning this matter.

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

IT IS ORDERED that:

1. The prescriptive operative right as a public utility warehouseman possessed by Daniel Bayles, Jr., and Worth Bayles, doing business as Bayles Rice Drier Co., as determined by the Commission's order dated July 26, 1960 in Case No. 6675 is hereby revoked.

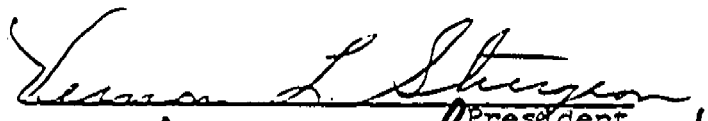
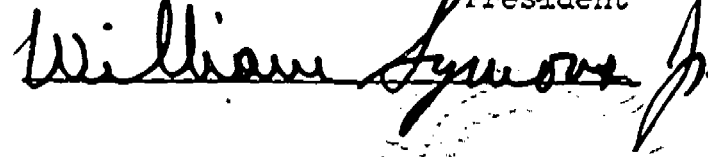
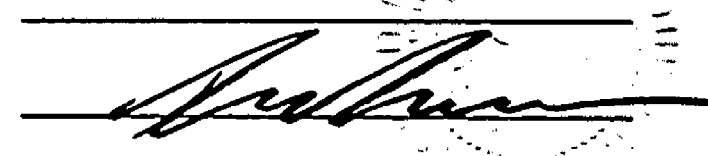
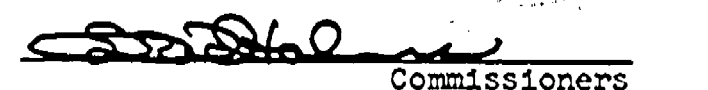
2. Jack L. Dawson, Agent, is hereby authorized and directed to cancel the participation of Daniel Bayles, Jr., and Worth Bayles, doing business as Bayles Rice Drier Co., from the involved tariff of California Warehouse Tariff Bureau on file with the Commission, such cancellation to be made within 90 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 Daniel Bayles, Jr., and Worth Bayles or to mail a certified copy thereof to them at their last known addresses as shown in the Commission's records and to mail a copy of this order to Chester Morris of Rich, Fudge, Dawson, Marsh, Morris, Sanbrook, Grove, Hill & Iverson, Inc., P. O. Drawer "A", Marysville, CA 95901, Albert J. Arostegui of Steel, Arostegui, Islip Cooke & Guthrie, P. O. Box 1111, Marysville, CA 95901 and Jack L. Dawson, Agent.

The effective date of this order shall be thirty days after the date hereof unless, before such effective date, there

shall have been filed with the Commission written response to this order requesting 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 27th day of August, 1974.


President



Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.