

ORIGINAL

Decision No. 83875

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of EMPIRE FREEZING & STORAGE for authorization to abandon a prescriptive operative right as a public utility warehouseman.

Application No. 55362
(Filed December 5, 1974)

O P I N I O N

Empire Freezing & Storage, a joint venture composed of Southern California First National Bank as Trustee of the trust established under the Will of William H. Black, deceased, Bank of America National Trust & Savings Association as Executor of the Estate of C. Ray Robinson, deceased, and John W. Myers, request authority to discontinue operations as a public utility warehouseman in Fresno.

Applicant is currently operating a cold storage warehouse facility in Fresno under a prescriptive operative right. Its current tariff is Cal. P.U.C. 3 issued June 6, 1969. Applicant has entered into negotiations to sell its cold storage plant to Swift & Company, effective December 31, 1974. Swift & Company is currently the major storer in the warehouse facility, accounting for approximately three-quarters of the current total storage business therein. Swift & Company will not continue the operation of the warehouse as a public warehouse because of prohibitions contained in an antitrust consent decree.

Upon receipt of appropriate authority from this Commission and upon consummation of the sale of said facility to Swift & Company, it is applicant's intention to cancel such tariff.

Applicant has contacted all the present storers in the warehouse in regard to the application and has received no objections. Applicant is willing to transfer, at its cost, the goods of its customers to another public warehouse in the general vicinity if the circumstances arise.

After consideration the Commission finds that public convenience and necessity no longer require applicant's service as a public utility warehouseman in the city of Fresno and concludes that the application should be granted.

A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. Empire Freezing & Storage may discontinue operations as a public utility warehouseman in the city of Fresno, and the authority set forth by the Commission in its order dated July 26, 1960 in Case No. 6661 is revoked.

2. Applicant is directed to cancel the tariffs on file with the Commission, such cancellation to be made within thirty days after the effective date of this order and on not less than one day's notice to the Commission and to the public.

3. Applicant shall, at the direction of the owner of any property in storage, transport such property to any available public utility warehouse in the vicinity of Fresno at the expense of the applicant and at no expense or risk to the owner of the property transported.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 17th
day of DECEMBER, 1974.

Vernon L. Sturgeon
President
William Lyness, Jr.
Robert E. McLeod
Commissioners