

ORIGINAL

Decision No. 33412

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
WHITTELL REALTY CO., a corporation,)
KATHERINE TURNER, WELLS FARGO BANK)
& UNION TRUST CO., a corporation,)
as Executor of the last will and)
testament of F. H. Turner, to sell)
and transfer to TURNER-WHITTELL)
WAREHOUSES, INCORPORATED, a cor-)
poration, the public utility ware-)
house operating authority and busi-)
ness formerly owned and conducted)
by F. H. TURNER, deceased, under the)
name of TURNER-WHITTELL WAREHOUSES.)

Application No. 24305

BY THE COMMISSION:

OPINION AND ORDER

By this application filed June 25, 1941, Wells Fargo Bank and Union Trust Co., as executor of the last will and testament of F. H. Turner, deceased, seeks authority to sell and Turner-Whittell Warehouses, Incorporated, seeks authority to purchase the public utility warehouse business theretofore conducted by said F. H. Turner in San Francisco under the name of Turner-Whittell Warehouses. The operating authority proposed to be transferred is said to consist of prescriptive rights created by Turner's operations prior to the effectiveness of Chapter 878, Statutes of 1927, which requires that a certificate of public convenience and necessity first be obtained before public utility warehouse operations may be conducted in a city or city and county with a population of 150,000 or more. The property involved consists of hand trucks and miscellaneous warehouse equipment. The consideration to be paid is \$1,119.35. No change in

¹ Turner bequeathed his warehouse business to Whittell Realty Co., a corporation. However, it has renounced said bequest. Katherine Turner, the widow of F. H. Turner, has consented to the proposed sale.

the tariff rates nor in the service to the public is proposed.

This appears to be a matter in which a public hearing is not necessary. The application will be granted with the understanding, however, that by such action we are not passing upon the nature and extent of such operating authority as said F. H. Turner may have possessed.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the above entitled application be and it is hereby granted subject to the following conditions:

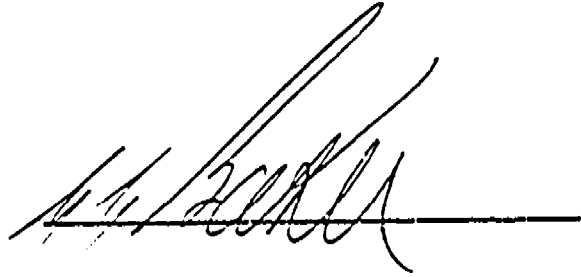
1. That the consideration to be paid for the property herein authorized to be transferred shall never be urged as a measure of value of said property for rate-fixing purposes or any purposes other than the transfer herein authorized.

2. That within sixty (60) days from the effective date of this order tariffs of Turner-Whittell Warehouses on file with the Commission be supplemented to show that applicant Wells Fargo Bank and Union Trust Co., as executor of the last will and testament of F. H. Turner, deceased, has withdrawn therefrom and that applicant Turner-Whittell Warehouses, Incorporated, has accepted and adopted as its own said tariffs and all effective supplements thereto.

3. That the rights and privileges herein authorized to be conveyed may not be sold, leased, transferred nor assigned, nor may service thereunder be discontinued in the absence of the written consent of this Commission to such sale, lease, transfer, assignment or discontinuance.

The effective date of this order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 15th day of July, 1941.



Justice F. Coe
Francis R. Havenue
Richard L. Laska
Commissioners