

ORIGINAL

Decision No. 47207

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
A. J. BECKER, doing business as)	
BECKER WAREHOUSE CO., to sell and)	
WARREN BALLINGER to purchase a)	Application No. 33373
certain prescriptive right to engage)	
in business as a warehouseman in the)	
City and County of San Francisco.)	

OPINION AND ORDER

A. J. Becker, doing business as Becker Warehouse Co., conducts public utility warehouse operations in the City and County of San Francisco. By this application he seeks authority to sell his operative right to Warren Ballinger. The consideration involved is \$3,000. It is to be paid in cash. The right in question is said to be a prescriptive right acquired under the provisions of Section 1052 of the Public Utilities Code.

The verified application shows that Becker wishes to retire, that Ballinger is the owner of the property in which the operations are conducted, and that he will continue the warehouse service now furnished by Becker. No change in rates is proposed.

It appears that this is a matter in which a public hearing is not necessary, *that the proposed transfer is not necessary* and that the sought authority should be granted. *Q.J.*

This action is not to be construed as determining the existence, character or extent of the operative right in question. It merely permits the purchaser to acquire whatever operative right is held by the seller.

Warren Ballinger is hereby placed upon notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, they extend to the holder a full or partial

monopoly of a class of business. This monopoly feature may be changed or destroyed at any time by the State, which is not in any respect limited to the number of rights which may be given.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that A. J. Becker, doing business as Becker Warehouse Co., may, within sixty (60) days after the effective date hereof, sell and transfer to Warren Ballinger whatever operative right the former may now possess to conduct operations as a public utility warehouseman at San Francisco, in accordance with the terms of the agreement attached to the application; that, prior to the effective date of said transfer, applicants shall, on not less than five (5) days' notice to the Commission and the public, supplement or reissue the tariffs on file with the Commission insofar as they name rates, rules and regulations governing warehouse operations of A. J. Becker, doing business as Becker Warehouse Co., at San Francisco, to show that A. J. Becker, doing business as Becker Warehouse Co., has withdrawn or canceled and that Warren Ballinger has concurrently adopted or established as his own said rates, rules and regulations; and that the tariff filings made pursuant to this order shall in all other respects comply with the regulations governing the construction and filing of warehouse tariffs set forth in the Commission's General Order No. 61.

This order shall become effective twenty (20) days after the date hereof.

Dated at San Francisco, California, this 27th day of May, 1952.

R. J. [Signature]
President
Justice J. [Signature]
Harold [Signature]
Keneth [Signature]
Peter [Signature]
Commissioners