

**ORIGINAL**

Decision No. 58254

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of KANE WAREHOUSES, INC., A California corporation, to transfer its public utility warehouse permit to CHARLES H. KANE and CHARLES P. COSTA, dba CHAS. F. KANE & CO., and for the partnership to temporarily suspend operation of the public utility warehouse operations pending acquisition of new quarters (Sections 851-853 of the Public Utilities Code).

Application No. 40969

OPINION AND ORDER

This is an application for an order of the Commission (1) authorizing Kane Warehouses, Inc., to transfer warehouse operations to Charles H. Kane and Charles P. Costa, doing business as Chas. F. Kane & Co., a partnership, and (2) authorizing said partnership to suspend temporarily such warehouse operations.

Kane Warehouses, Inc., acquired the San Francisco warehouse operations here involved from Charles H. Kane and Charles P. Costa under authority granted by Decision No. 55711, dated October 22, 1957, for the purpose of separating the public utility warehouse operations from the partnership's local drayage business. Applicants now desire the warehouse business to be transferred back to the partnership for the purpose of making the drayage and warehouse business a cohesive and flexible unit, both operationally and financially, which they allege has not been achieved under the corporate form of organization.

In addition, the partnership reports that the leased premises have been torn down where the warehouse operations had been conducted, and it requests authority to suspend such operations temporarily because it will need time to find new quarters.

The Commission has considered this matter and is of the opinion that a public hearing is not necessary and that the proposed transfer and suspension will not be adverse to the public interest, therefore,

IT IS HEREBY ORDERED as follows:

1. Kane Warehouses, Inc., on and after the date hereof and on or before July 31, 1959, may transfer to Charles H. Kane and Charles P. Costa, its public utility warehouse operative rights, assets and business.
2. Upon being acquired by Charles H. Kane and Charles P. Costa, the warehouse operative rights here involved shall be suspended until not later than June 30, 1960.
3. On not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of such transfer, applicants shall supplement or reissue the tariffs now on file with the Commission, insofar as they name rates, rules and regulations governing the warehouse operations here involved to show that Kane Warehouses, Inc., has withdrawn or canceled and that Charles H. Kane and Charles P. Costa concurrently have adopted or established, as their own, and have suspended temporarily, said rates, rules and regulations. The tariff filings made pursuant to this order in all respects shall comply with the regulations governing the construction and filing of warehouse tariffs set forth in the Commission's General Order No. 61.
4. The authorization herein granted is not to be construed as a finding of the value of said warehouse operative rights, assets and business.

5. This opinion and order shall become effective on the date hereof.

Dated at San Francisco, California, this 14<sup>th</sup> day of April, 1959.

E. J. Fox  
President  
W. C. ...  
...  
Theodore ...  
...  
Commissioners