

ORIGINAL

Decision No. 60325

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
KELLOGG EXPRESS AND DRAYING CO. for)
authorization to transfer, and of)
SAN FRANCISCO WAREHOUSE CO. for)
authorization to acquire public)
utility warehouse operations in)
Emeryville and San Jose, California.)

Application No. 42037

OPINION AND ORDER

The Commission is requested to authorize Kellogg Express and Draying Co., which is engaged in the storage and handling of general commodities at Emeryville and San Jose as a public utility warehouseman, to transfer such operating right to San Francisco Warehouse Co.

The application sets forth allegations which may be summarized as follows:

1. San Francisco Warehouse Co. is engaged in business as a public utility warehouseman in San Francisco, Emeryville and San Jose under the jurisdiction of this Commission and also is engaged in business as a highway common carrier under the jurisdiction of this Commission.

2. Kellogg Express and Draying Co. operates 4,000 square feet of warehouse space in San Jose under rates, rules and regulations published in California Warehouse Tariff Bureau Warehouse Tariff No. 26, Cal. P.U.C. No. 156, Jack L. Dawson, Agent, in which tariff it is a participant.

3. Kellogg Express and Draying Co. realized operating revenues of approximately \$700 from its San Jose warehouse operations during

the calendar year 1959. At Emeryville, California, it operates 10,000 square feet of warehouse space under rates, rules and regulations published in California Warehouse Tariff Bureau Warehouse Tariff No. 32, Cal. P.U.C. No. 174, Jack L. Dawson, Agent, and realized operating revenues of approximately \$1,000 from its Emeryville warehouse operations during the calendar year 1959.

4. Kellogg Express and Draying Co. operates in rented facilities both in San Jose and Emeryville and operates said facilities at both locations jointly with San Francisco Warehouse Co. Upon consummation of the transfer proposed herein, San Francisco Warehouse Co. will operate said warehouses alone. San Francisco Warehouse Co. is a participant in the above-said tariffs at San Jose and Emeryville, respectively, and will continue to operate under the same rates, rules and regulations as Kellogg Express and Draying Co. if the transfer proposed herein is consummated.

5. Kellogg Express and Draying Co. desires to withdraw from operations as a public utility warehouseman in Emeryville and San Jose, and San Francisco Warehouse Co. desires to acquire such operating right and warehouse businesses at said locations.

6. San Francisco Warehouse Co. is an experienced public utility warehouseman, having been engaged in such business in San Francisco for many years, and has the financial ability, personnel and equipment to render adequate service to the public.

7. The consideration for the transfer of the operating right involved is the sum of \$1.00.

The Commission, upon consideration of all the allegations of the application and the exhibit thereto attached, finds and concludes that the public interest will not be adversely affected by approval of the transfer of the operating right here involved.

The application will be granted. No finding is made as to the value of such operating right. A public hearing is not necessary.

An application having been filed and based upon the evidence therein set forth,

IT IS ORDERED:

1. That, on or before June 30, 1960, Kellogg Express and Draying Co. may sell and transfer and San Francisco Warehouse Co. may purchase and acquire the operative right referred to in the application in accordance with the terms therein set forth.

2. That, within thirty days after the consummation of the transfer herein authorized, San Francisco Warehouse Co. shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. That, on not less than five days' notice to the Commission and to the public, effective concurrently with the consummation of such transfer, applicants shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the operations here involved, to show that Kellogg Express and Draying Co. has withdrawn or canceled, and San Francisco Warehouse Co. has adopted or established as its own, said rates, rules and regulations. The tariff filings made pursuant to this order

shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 61.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 3rd day of May 1960.

[Signature]

President

[Signature]

[Signature]

[Signature]

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Commissioners