

Decision No. 6119S

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)	
H. B. JOHNSTON, JR., an individual,)	
doing business as CITIZEN'S WAREHOUSE)	
to sell, and CITIZENS WAREHOUSE)	
TRUCKING COMPANY, INC., a California)	
corporation, to purchase, a prescrip-)	Application No. 42811
tive right to engage in business as a)	
warehouseman, pursuant to the provisions)	
of Section 1052 of the Public Utilities)	
Code.)	

OPINION AND ORDER

H. B. Johnston, Jr., doing business as Citizen's Warehouse, operates as a public utility warehouseman in the City of Los Angeles. By this application, filed October 31, 1960, he seeks authority to transfer his prescriptive warehouse operating authority to Citizens Warehouse Trucking Company, Inc., a corporation, at and for the consideration of one dollar under an oral agreement.

The prescriptive operative rights in the City of Los Angeles were acquired by H. B. Johnston, Jr., by Decision No. 27155, dated June 15, 1934, in Application No. 19472.¹ H. B. Johnston, Jr., also held operative rights as a highway common carrier which were transferred to Citizens Warehouse Trucking Company, Inc., by Decision No. 60458, dated August 2, 1960, in Application No. 42339. Johnston originally intended to operate the highway common carrier rights and the warehouse under two separate entities but now it has been determined that the two operations would most practicably be operated as a single entity. The application states that the warehouse operations of the corporation will be essentially identical to the operations of

¹ The Annual Report filed by H. B. Johnston, Jr., for the year ended December 31, 1959, showed operations conducted in 42,000 square feet of warehouse floor space.

the individual and that it will be staffed by the same warehouse personnel who are employed by Johnston.

In the circumstances, it appears that the transfer of the public utility warehouse operations from the individual to the corporation is not adverse to the public interest. H. B. Johnston, Jr., will be authorized to transfer the operations and properties to the corporation. To clarify the status of the operative rights in question, an in lieu certificate of public convenience and necessity will be granted to the corporation and the prescriptive operative rights acquired by H. B. Johnston, Jr., will be canceled. A public hearing is not necessary.

Therefore, good cause appearing,

IT IS ORDERED:

(1) That on or before March 1, 1961, H. B. Johnston, Jr., doing business as Citizen's Warehouse, may transfer and Citizens Warehouse Trucking Company, Inc., a corporation, may acquire, the public utility warehouse operations and property at 1001 East First Street in the City of Los Angeles.

(2) 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 H. B. Johnston, Jr., doing business as Citizen's Warehouse, has withdrawn or canceled, and Citizens Warehouse Trucking Company, Inc., 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.

(3) That effective concurrently with the effective date of tariff filings required by paragraph (2) hereof, all public utility warehouse operative rights held or acquired by H. B. Johnston, Jr.,

doing business as Citizen's Warehouse, are revoked and canceled and simultaneously therewith, an in lieu certificate of public convenience and necessity to operate as a public utility warehouseman for the storage of property is hereby granted to Citizens Warehouse Trucking Company, Inc., as hereinafter set forth in Appendix A, attached hereto and made a part hereof.

(4) That, in providing service pursuant to the certificate herein granted, Citizens Warehouse Trucking Company, Inc., shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations. Failure to file such reports, in such form and at such time as the Commission may direct, may result in a cancellation of the public utility warehouse operations authorized by this decision.
- (b) That on or before March 1, 1961, and on not less than five days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and make effective concurrently with the consummation of the transfer herein authorized, tariffs satisfactory to the Commission.

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

Dated at San Francisco, California, this 13th day of December, 1960.

President

Commissioners

Commissioners

APPENDIX A TO DECISION NO. 61198

DATED DEC 13 1968, IN APPLICATION NO. 42811.

Citizens Warehouse Trucking Company, Inc., a corporation, is authorized to operate as a public utility warehouseman for the operation of storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
City of Los Angeles	42,000

(The floor space shown above is exclusive of the 50,000 square feet of expansion permissible under Section 1051 of the Public Utilities Code.)

(End of Appendix A)