

**ORIGINAL**

Decision No. 64437

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 G. MARCANTELLI, doing business as )  
 G. MARCANTELLI COMPANY, for author- )  
 ization to sell and transfer, and of )  
 JOHN J. McINERNEY and DOLORES M. )  
 McINERNEY, doing business as )  
 G. MARCANTELLI COMPANY, to purchase )  
 and acquire, a prescriptive right )  
 for operation as a public warehouse- )  
 man in Emeryville, California, and )  
 public utility warehouse properties. )

Application No. 44692  
 (Filed August 9, 1962)

O P I N I O N

By order dated August 23, 1960, in Case No. 6891, the Commission found that G. Marcantelli, doing business as G. Marcantelli Company, had a prescriptive right to operate 4,000 square feet of public utility warehouse space in Emeryville. Prior to that date and on July 1, 1960, Marcantelli had transferred the business to John J. McInerney and Dolores M. McInerney. Through inadvertence the Commission was not notified.

The parties now seek authority from the Commission to transfer the operative right and property from Marcantelli to the McInerneys.

The application alleges that McInerney has been the active manager of the business for several years and will thus be able to give satisfactory service to the public as in the past. The original cost of the property involved was \$5,350; its present depreciated value, nil. The consideration for the transfer is \$100 in cash, payable on consummation of the transfer. It is proposed to continue the present rates and rules on file with the Commission.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest.

The authorization herein granted shall not be construed as a finding of the value of the rights and equipment nor as a determination that the amounts referred to herein will be accepted as proper bases for an order authorizing the issue of securities or prescribing reasonable rates.

Public hearing is not necessary.

O R D E R

Application having been filed and the Commission having determined that the application should be granted,

IT IS ORDERED that:

1. On or before December 31, 1962, G. Marcantelli may sell and transfer, and John J. McInerney and Dolores M. McInerney may purchase and acquire, the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, John J. McInerney and Dolores M. McInerney 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. Applicants shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing

the warehouse operations here involved to show that G. Marcantelli has withdrawn or canceled, and John J. McInerney and Dolores M. McInerney have adopted or established, as their own, said rates, rules and regulations. The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer herein authorized. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 61.

4. Concurrent with the effective date of the tariff filings made in accordance with ordering paragraph 3 hereof, the operative authority set forth in Case No. 6891 is hereby revoked and, in place and stead thereof, prescriptive operative rights as a public utility warehouseman are stated for John J. McInerney and Dolores M. McInerney as more particularly set forth in Appendix A attached hereto and by this reference made a part hereof.

5. In providing service pursuant to the operative authority set forth herein, John J. McInerney and Dolores M. McInerney shall comply with and observe the following service regulations:

Within thirty days after the effective date hereof, they shall file a written acceptance of the operative rights herein stated. By accepting the operative rights herein stated, they are placed on notice that they will be required, among other things, to file annual reports of their

operations. Failure to file said reports, in such form and at such time as the Commission may direct, may result in a cancellation of the operative right set forth in Appendix A hereof.

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

Dated at San Francisco, California, this 23rd day of OCTOBER, 1962.

George H. Hoover  
President  
Walter S. Mitchell  
Frederick B. Hallock  
Commissioners

JOHN J. McINERNEY  
and  
DOLORES M. McINERNEY

John J. McInerney and Dolores M. McInerney,  
doing business as G. Marcantelli Co., possess a pre-  
scriptive operative right 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>
Emeryville	4,000

(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

Issued by California Public Utilities Commission.

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