

65732

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION OF)
 ANTONE ANASTASI, SR., FANNIE ANASTASI)
 AND ANTONE ANASTASI, JR., DOING BUSINESS)
 AS OAKLAND BEAN CLEANING AND STORAGE)
 COMPANY AND OAKLAND BEAN CLEANING AND)
 STORAGE COMPANY, INC., A CALIFORNIA)
 CORPORATION, FOR AUTHORIZATION TO TRANSFER)
 WAREHOUSE ASSETS TO A CORPORATION, AND FOR)
 AN ORDER AUTHORIZING ISSUANCE OF SHARES OF)
 STOCK OF THE SAID CORPORATION PURSUANT TO)
 SECTIONS 851 AND 818 OF THE PUBLIC)
 UTILITIES CODE)

Application No. 45597
Filed July 16, 1963

O P I N I O N

This is an application for an order of the Commission authorizing the transfer of a warehouse operative right and related assets and the issue of shares of stock.

On August 9, 1960, the Commission determined that Antone Anastasi, doing business as Oakland Bean Cleaning & Storage Company, possesses a prescriptive operative right as a public utility warehouseman for the operation of 36,800 square feet of storage or warehouse floor space at Knights Landing and vicinity, exclusive of the 50,000 square feet of expansion permissible under Section 1051 of the Public Utilities Code.

The application shows that Oakland Bean Cleaning and Storage Company, Inc., was organized on or about February 19, 1960, and that thereafter, pursuant to a permit granted by the Commissioner of Corporations it issued 8,000 shares of its no par common stock at an aggregate stated value of \$80,000 with the intent of acquiring the properties and business operated by

Antone Anastasi under the name of Oakland Bean Cleaning and Storage Company. Applicants assert that through oversight they did not apply to this Commission for authority to transfer the warehouse operative right and related properties and to issue the stock. They now desire to complete the transaction and have requested the necessary authorization.

The Commission has considered this matter and is of the opinion, and so finds, that the proposed transfer will not be adverse to the public interest; that the money, property or labor to be procured or paid for by the issue of the shares of stock herein authorized is reasonably required for the purpose specified herein; and that such purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income. An order will be entered granting the application.

The action taken herein shall not be construed to be a finding of the value of the operative right and properties herein authorized to be transferred nor indicative of amounts to be included in future proceedings for the purpose of fixing rates. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. On and after the effective date hereof and on or before September 30, 1963, Antone Anastasi, Sr., Fannie Anastasi and Antone Anastasi, Jr., as their interests may appear, may sell and transfer and Oakland Bean Cleaning and Storage Company, Inc., may purchase and acquire the warehouse operative right and properties referred to in this application.

2. On and after the effective date hereof and on or before September 30, 1963, Oakland Bean Cleaning and Storage Company, Inc., may assume the outstanding liabilities and obligations referred to in this proceeding and may issue not to exceed 8,000 shares of its common stock without par value in part payment for such operative right and properties.

3. Within thirty days after the consummation of the transfer herein authorized, Oakland Bean Cleaning and Storage Company, Inc., 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 and a report of the issue of the stock as required by General Order No. 24-A.

4. Oakland Bean Cleaning and Storage Company, Inc., shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the public utility warehouse operations herein to show that it has adopted or established, as its own, said rates, rules and regulations. The tariff filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten 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-A.

5. Effective concurrently with the effective date of tariff filings required by Ordering Paragraph 4 hereof, the prescriptive operative right set forth in the order dated August 9, 1960, in Case No. 6786, is hereby revoked and in place and stead thereof, a prescriptive operative right as a public utility warehouseman is stated for Oakland Bean Cleaning and Storage Company, Inc., as more particularly set forth in Appendix A attached hereto.

6. In providing service pursuant to the operative right set forth herein, Oakland Bean Cleaning and Storage Company, Inc., shall comply with and observe the following service regulation:

Within thirty days after the effective date hereof, it shall file a written acceptance of the operative right herein stated. By accepting such operative right, it 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 operative right set forth in Appendix A hereof.

7. The effective date of this order shall be the date hereof.

Dated at San Francisco, California,
this 23rd day of JULY, 1963.

William W. Burnett
President

George T. Hoover
Fredrick B. Hilshoff

George T. Hoover
Fredrick B. Hilshoff
Commissioners

OAKLAND BEAN CLEANING AND STORAGE COMPANY, INC. Appendix A
(a corporation)

Oakland Bean Cleaning and Storage Company, Inc.,
possesses a prescriptive 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>
Knights Landing and vicinity	36,800

(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.

Decision No. 65732 Application No. 45597.