

65808

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JAMES W. TELFORD,)
doing business as MERCURY VAN &)
STORAGE CO., to transfer and of)
MERCURY VAN & STORAGE CO., INC.,)
a California corporation, to)
acquire prescriptive operative right)
as a public utility warehouseman.)

Application No. 45461
(Filed May 22, 1963)

OPINION AND ORDER

James W. Telford, doing business as Mercury Van & Storage Co., operates as a public utility warehouseman at Oxnard.¹ By this application authority is sought to transfer the prescriptive public utility warehouse operative right of James W. Telford to Mercury Van & Storage Co., Inc.

Applicants state that there is no tangible property involved in the transaction and the prescriptive right has no book value or original cost. It is averred that approval of the transfer will enable Telford to retire from active management and control of the warehouse; and will enable the corporation to continue the business in substantially the same fashion as heretofore conducted by Telford, to serve the public generally in the vicinity of Oxnard, and to offer the public a complete public utility warehousing operation in connection with its household goods carrier operations. Applicant corporation alleges that it is fit and able, financially and otherwise, to discharge its duties to the public as a public utility warehouseman, and that approval of the transfer will have no adverse effect upon the public or any other public utility because it is proposed to adopt

¹The operative right is a prescriptive right determined and set forth in the order dated August 23, 1960, in Case No. 6892. It authorizes the operation of 13,600 square feet of storage or warehouse floor space.

the rates and charges currently published for the operation.

In the circumstances, it appears, and the Commission finds, that the proposed transfer will not be adverse to the public interest. The application will be granted. A public hearing is not necessary.

Good cause appearing,

IT IS ORDERED that:

1. On or before December 31, 1963, James W. Telford may sell and transfer, and Mercury Van & Storage Co., Inc., may purchase and acquire, the prescriptive warehouse operative right referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, Mercury Van & Storage Co., 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.
3. Mercury Van & Storage Co., Inc., shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the public utility warehouse operations here involved 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.
4. Effective concurrently with the effective date of tariff filings required by Ordering Paragraph 3 hereof, the operative

right set forth in Case No. 6892 is hereby revoked and in place and stead thereof, a prescriptive operative right as a public utility warehouseman is stated for Mercury Van & Storage Co., Inc., as more particularly set forth in Appendix A attached hereto.

5. In providing service pursuant to the operative right herein stated, Mercury Van & Storage Co., Inc., shall comply with and observe the following service regulations:

(a) Within thirty days after the effective date hereof, it shall file a written acceptance of the operative right herein stated. By accepting the operative right herein stated, it is placed on notice that it will be required, among other things, to file annual reports of its 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 30th day of July, 1963.

William H. Brundage
President
Eric H. Hatchell
Creed C. Deane
George T. Trover
Fredrick B. Holbrook
Commissioners

Appendix A

MERCURY VAN & STORAGE CO., INC.
(a corporation)

Mercury Van & Storage Co., Inc., a corporation, 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>
Oxnard	13,600

(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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