

65979

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of ALCO TRANSPORTATION COMPANY, .)
 a corporation, to transfer, and)
 of LYLE V. ABBOTT, doing business)
 as ACE CITY DELIVERY and ACE CITY)
 WAREHOUSE, to acquire operating)
 rights as a public utility ware-)
 houseman.)

Application No. 45545

O P I N I O N

Alco Transportation Company requests authority to sell and transfer and Lyle V. Abbott, doing business as Ace City Delivery and Ace City Warehouse, requests authority to purchase and acquire operating rights for an agreed cash consideration of \$2,500.

The operating rights are prescriptive in nature and were described by Commission order dated July 12, 1960, in Case No. 6613. Subsequent thereto applicant seller moved from 2225 East 37th Street, Los Angeles, to a new terminal located at 1603 Chapin Road, Montebello. Warehouse space was not available at the new location and at the request of applicant the Commission, by its Decision No. 65238, dated April 16, 1963, suspended said operating authority until May 1, 1964.

Applicant purchaser is presently engaged as a certificated highway common carrier between points in the Los Angeles Basin Territory and in addition thereto operates a private warehouse located at 5600 East Slauson Avenue, Los Angeles. He presently leases three buildings, which total 49,400 square feet of closed warehouse space. Two of the buildings are of concrete-block construction with steel roofs and the third is constructed of steel and aluminum. Each is equipped with automatic sprinklers. As of

May 1, 1963, applicant purchaser indicated a net worth of \$124,825.30.

It is alleged that applicant purchaser wishes to make his warehouse service available to the public generally; that his buildings are close to the premises formerly occupied by applicant seller; and that certification will permit applicant purchaser to not only serve the same general area as that served by applicant seller but it will permit him to make better use of his warehouse facilities.

After consideration the Commission finds that:

1. The warehouses operated by applicant purchaser are in the same general industrial area covered by the prescriptive rights herein considered.
2. The proposed transfer would not be adverse to the public interest.
3. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. On or before March 1, 1964, Alco Transportation Company, a corporation, may sell and transfer, and Lyle V. Abbott may purchase and acquire, the operative rights referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, Lyle V. Abbott 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. Lyle V. Abbott shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the warehouse operations herein to show that he has adopted or

established, as his 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 to 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. Concurrent with the filings required by paragraph 3 hereof the operative rights herein involved are hereby reinstated.

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

Dated at San Francisco, California, this 10th day of SEPTEMBER, 1963.

William B. Beards
President
George H. Hoover
Frederick B. Halbach
Commissioners