

ORIGINAL

Decision No. 66103

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
 Harrison Frederick, Trustee, for)
 Reilley Truck Line, Bankrupt,)
 District Court of the United States,)
 Northern District of California,)
 Northern Division, to sell and)
 transfer Reilley Truck Line Ware-)
 house Certificate of Public Conven-)
 ience and Necessity to Donald B.)
 Wyant dba Allied Pacific Warehouse)
 and Storage Co.)

Application No. 45327

Richard A. Bennett, for applicants.
Arthur F. Burns, for the Commission
 staff.

O P I N I O N

Harrison Frederick, Trustee for Reilley Truck Line, bankrupt, requests authority to sell and transfer, and Donald B. Wyant requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a public utility warehouseman.

A public hearing was held before Examiner Daly on August 20, 1963, in Stockton.

By Decision No. 63241, dated February 13, 1962, in Application No. 43948, Reilley Truck Line was authorized to operate as a public utility warehouseman as defined in Section 239 of the Public Utilities Code in the vicinity of Stockton. The area

authorized was 15,000 square feet of warehouse floor space, exclusive of the 50,000 square feet of expansion permissible under Section 1051 of the Public Utilities Code.

On September 18, 1962, Reilley Truck Line was adjudged bankrupt. The agreed cash consideration is \$400.

Applicant purchaser is allegedly experienced in merchandising, shipping and warehousing. As of March 15, 1963, he indicated a net worth in the amount of \$30,124.21. If the transfer is authorized applicant purchaser proposes to conduct operations at 702 North Wilson Way, Stockton. Space will be leased as required for the purpose of providing a general public warehouse service. The buildings are constructed of brick with cement floors and sprinkling systems.

Applicant purchaser proposes to file a new tariff in place of that presently on file in the name of Reilley Truck Line. The present tariff is assertedly obsolete, having been issued in 1941, and is incomplete. The proposed tariff is comparable to Warehouse Tariff No. 39 issued by the California Warehouse Tariff Bureau and will be generally competitive with the rates charged in the area.

After consideration the Commission finds that:

1. The proposed transfer will not be adverse to the public interest.
2. The proposed rates are just and reasonable.

O R D E R

IT IS ORDERED that:

1. On or before March 1, 1964, Harrison Frederick, Trustee for Reilley Truck Line, may sell and transfer, and Donald B. Wyant

may purchase and acquire, the operative rights referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Donald B. Wyant 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. Within one hundred twenty days after the effective date hereof, Donald B. Wyant shall file tariffs, in triplicate, in the Commission's office. 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-A.

4. Effective concurrently with the effective date of tariff filings required by ordering paragraph 3 hereof, the certificate of public convenience and necessity granted by Decision No. 63241 dated February 13, 1962, in Application No. 43948, is hereby revoked and in place and stead thereof, a certificate of public convenience and necessity is granted to Donald B. Wyant authorizing him to operate as a public utility warehouseman as defined in Section 239(b) of the Public Utilities Code 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, Donald B. Wyant shall comply with and observe the following service regulation:

Within thirty days after the effective date hereof, he shall file a written acceptance of the operative rights herein stated. By accepting the operative rights herein stated, he is placed on notice that he will be required, among other things, to file annual reports of his operations. Failure to file said reports, in such form and at such time as the Commission may direct, may result in 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 1st day of October, 1963.

William L. Burnett
President
George H. Hoover
George H. Hoover
George H. Hoover
Frederick B. Hallock
Commissioners

Donald B. Wyant, doing business as Allied Pacific Warehouse and Storage Co., possesses a certificate of public convenience and necessity 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>
County of San Joaquin in the vicinity of Stockton	15,000

(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.

Decision No. 66103, Application No. 45327.