

Decision No. 66841

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of UNION ICE & STORAGE COMPANY for authorization to transfer, and of ICE AND STORAGE COMPANY OF THE INLAND EMPIRE to acquire a prescriptive right as a cold storage warehouseman in San Bernardino; and of ICE AND STORAGE COMPANY OF THE INLAND EMPIRE for authorization to issue stock.

Application No. 46166
Filed January 30, 1964

O P I N I O N

This is an application for an order of the Commission (1) authorizing Union Ice & Storage Company to sell and transfer to Ice and Storage Company of the Inland Empire a prescriptive operative right as a public utility warehouseman in San Bernardino, and (2) authorizing Ice and Storage Company of the Inland Empire to issue and sell \$2,500 par value of its common stock.

Union Ice & Storage Company is a California corporation engaged in business as a public utility cold storage warehouseman at various locations in the State of California. The company operates a rented warehouse in San Bernardino pursuant to a prescriptive operative right determined by the Commission on June 14, 1960, in Case No. 6533. Said prescriptive right authorizes the operation of 3,311 square feet

of storage or warehouse floor space at San Bernardino, exclusive of the 50,000 square feet of expansion permissible under Section 1051 of the Public Utilities Code. The application shows that the transferor desires to withdraw from business as a public utility warehouseman in San Bernardino, and that it proposes to sell and transfer the prescriptive operative right to Ice and Storage Company of the Inland Empire for the sum of one dollar.

Ice and Storage Company of the Inland Empire, a California corporation organized on or about December 27, 1963, has agreed to purchase said right for one dollar, and it proposes to continue operating said warehouse space at the same location with the aid of experienced personnel. The transferee proposes further to issue \$2,500 par value of common stock, at par, for cash to be used as working capital.

The Commission has considered this matter and finds that: (1) the proposed sale and transfer would not be adverse to the public interest; (2) the money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purpose specified herein; and (3) such purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income. On the basis of these findings we conclude that the application should be granted. A public hearing is not necessary. The action taken herein shall not be construed to be a finding of the value of the prescriptive operative right herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before June 30, 1964, Union Ice & Storage Company may sell and transfer, and Ice and Storage Company of the Inland Empire may purchase and acquire, the prescriptive operative right referred to in the application, as more particularly described in Appendix B attached hereto.
2. Ice and Storage Company of the Inland Empire may issue and sell, at par for cash, not to exceed \$2,500 par value of its common stock to provide working capital.
3. Within thirty days after the consummation of the transfer herein authorized, Ice and Storage Company of the Inland Empire 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.
4. Ice and Storage Company of the Inland Empire shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the 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. Concurrent with the consummation of the transfer authorized by Ordering Paragraph 1 hereof, the prescriptive warehouseman operative right set forth in the Order dated June 14, 1960, as revised on July 26, 1960, in Case No. 6533, and as revised further by Decision No. 62341, dated July 25, 1961, in Application No. 43496, is hereby revoked and, in place and stead thereof, a prescriptive operative right as a public utility warehouseman is hereby stated for Union Ice & Storage Company as more particularly set forth in Appendix A attached hereto.

6. In providing service pursuant to the warehouseman operative authority set forth herein, Ice and Storage Company of the Inland Empire shall comply with and observe the following service regulations:

Within thirty days after the 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 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 B hereof.

7. Ice and Storage Company of the Inland Empire shall file with the Commission a report, or reports, as required by General Order No. 24-A, which order, insofar as applicable, is made a part of this order.

8. The effective date of this order is the date hereof.

Dated at San Francisco, California,
this 15th day of FEBRUARY, 1964.

William U. Bennett
President
[Signature]
[Signature]
George T. Trover
Frederic B. Hillhoff
Commissioners

UNION ICE & STORAGE COMPANY
(a corporation)

Union Ice & Storage Company, 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>No. of Square Feet of Floor Space</u>
Chico	3,125
Hayward	7,875
In the vicinity of Vernon or Bandini, Los Angeles County	38,820
Mountain View	6,330
Oxnard	19,725
Santa Cruz	15,682

(The floor space shown above is exclusive of the expansion permissible under Section 1051 of the Public Utilities Code. No determination is made herein with respect to operative rights as a public utility warehouseman within any city having a population of 150,000 or more.)

(End of Appendix A)

Issued by California Public Utilities Commission.

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Appendix B *

ICE AND STORAGE COMPANY OF THE INLAND EMPIRE
(a corporation)

Ice and Storage Company of the Inland Empire, 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>No. of Square Feet of Floor Space</u>
San Bernardino	3,311

(The floor space shown above is exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.)

(End of Appendix B)

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