

Decision No. 66922

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SIGNAL TRUCKING SERVICE, LTD., a)
corporation, to sell, and MYRON D.)
SOGN, an individual, to purchase)
certain operating rights.)

Application No. 46137
(Filed January 20, 1964)

O P I N I O N

Applicant, Signal Trucking Service, Ltd., is an authorized highway common carrier which also possesses prescriptive operative rights as a public utility warehouseman for the operation of 140,804 square feet of storage or warehouse floor space, located at 4455 Fruitland Avenue, Vernon, California. (See Case No. 6573, instituted June 28, 1960.)

This applicant requests an order of the Commission pursuant to Section 851 of the Public Utilities Code, authorizing it to transfer to Myron D. Sogn, an individual, its said operative rights as a public utility warehouseman in the City of Vernon, California.

Applicant Sogn proposes to pay the sum of \$5,000 for the operative rights, in cash, upon the Commission's authorization. No tangible property is proposed to be sold hereunder. The seller proposes to use its best efforts to cause its present customers to continue with applicant Sogn. Subsequent to filing the application the seller has assured the Commission that it will make the warehouse available to the purchaser at a not unreasonable rental. Sogn's financial statement supports the conclusion that he can properly perform the function of public warehouseman.

As justification for the proposed transaction the application contains the following allegations:

"Signal conducts, and for years has conducted, substantial operations as a highway common carrier and as a permit carrier. It has concluded that it is to its best interest to withdraw from the public warehouse operations in Vernon, so as to relieve its operating and executive personnel from responsibilities in connection with the operation of this public warehousing business, so that they might devote their time to the carrier business of Signal. The public which has utilized the warehouse facilities of Signal at Vernon will, under the proposal here, continue to be served in the same manner and in the same location, and with some of the same operating personnel which is now utilized in this service. Sogn proposes to continue the employment of a majority of Signal's warehouse employees, excluding executive and administrative personnel, in the interests of protecting the employees' employment, and of continuity of operations."

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

The authorization herein granted shall not be construed as a finding of the value of the rights herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before April 1, 1964, Signal Trucking Service, Ltd., a corporation, may sell and transfer, and Myron D. Sogn, an individual, may purchase and acquire, the operative rights referred to in the application for the sum of \$5,000 cash and may thereafter do business under the name of Century International Warehouses.

2. Within thirty days after the consummation of the transfer herein authorized, applicant Sogn 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, together with a true copy of a duly executed and recorded deed, or of a duly executed and recorded lease, of the warehouse property now occupied by Signal Trucking Service, Ltd., in proper and legal form; any such lease shall provide that applicant Sogn may continue in undisturbed possession for the period said property continues dedicated to public use and until such property shall be released therefrom by this Commission, at a rental which the Commission shall determine is not unreasonable.

3. Applicant Sogn 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 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. On or before the end of the third month after the consummation of the transfer as herein authorized, Myron D. Sogn shall cause to be filed with the Commission, in such form as it may prescribe, an annual report, or reports, covering the period commencing with the first day of the current year to and including the effective date of the transfer.

5. The warehouse real property where the operative right here involved is now exercised shall not be relieved of its devotion to the public use, and its status as public utility operative property shall continue as though no transfer of operative right had taken place, anything in any lease, contract or agreement to the contrary notwithstanding.

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

Dated at San Francisco, California, this 17th day of MARCH, 1964.

William C. Bennett
President
George L. Trover

Commissioners

Commissioner Everett C. McKeage, being necessarily absent, did not participate in the disposition of this proceeding.

-4- Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.