

Decision No. 67440

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 LAWRENCE WAREHOUSE COMPANY, a)
 California corporation, to sell, and)
 D. Q. ADAMS, SR., DAVID S. ADAMS,)
 WILLIAM O. ADAMS, ELIZABETH ADAMS)
 PEABODY, and NANCY ADAMS BLOOM, as)
 co-partners doing business under the)
 firm name and style of ADAMS, SCHEWAB)
 and ADAMS and FRED JOOST, an)
 individual, together constituting)
 a joint venture doing business as)
 ESPARTO WAREHOUSE COMPANY, to)
 purchase prescriptive warehouse)
 operating rights.)

Application No. 46675

O P I N I O N

Lawrence Warehouse Company, a California corporation, re-
 quests authority to sell and transfer and D. Q. Adams, Sr., David
 S. Adams, William O. Adams, Elizabeth Adams Peabody, and Nancy
 Adams Bloom, as co-partners, and Fred Joost, an individual, to-
 gether constituting a joint venture doing business as Esparto Ware-
 house Company, request authority to purchase and acquire certain
 warehouse operating rights.

The operating authority is prescriptive in nature and was
 defined in a Commission Order dated August 23, 1960, in Case No.
 6890, as amended. Said right authorizes the operation of 49,152
 square feet of floor space at Esparto.

The agreed cash consideration is \$55,000 payable upon
 the approval of the transfer by the Commission.

Applicant seller has conducted warehouse operations at
 Esparto on property leased from the Southern Pacific Company. All
 improvements, including the installation of warehouse equipment,

were made by applicant seller. Upon execution of the sale the lease will be terminated and a new lease will be executed between Southern Pacific Company and applicant purchasers.

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

O R D E R

IT IS ORDERED that:

1. On or before December 1, 1964, Lawrence Warehouse Company may sell and transfer, and D. Q. Adams, Sr., David S. Adams, William O. Adams, Elizabeth Adams Peabody, and Nancy Adams Bloom, as co-partners, and Fred Joost, an individual, together constituting a joint venture doing business as Esparto Warehouse Company, may purchase and acquire, the operative rights and property referred to in the application and set forth in Appendix A attached hereto and by this reference made a part hereof.

2. Within thirty days after the consummation of the transfer herein authorized, purchasers 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. Purchasers shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the warehouse operations herein to show that they have adopted or established, as their own, said rates, rules and regulations. The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five 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. Concurrently with the effective date of tariff filings required by Ordering Paragraph 3 hereof, the prescriptive operative authority as a public utility warehouseman set forth in the order dated August 23, 1960, in Case No. 6890, as amended, is hereby revoked and, in place and stead thereof, prescriptive operative rights as a public utility warehouseman are stated for Lawrence Warehouse Company as more particularly set forth in Appendix B attached hereto and by this reference made a part hereof.

5. In providing service pursuant to the operative authority set forth herein, the joint venture doing business as Esparto Warehouse Company shall comply with and observe the following service regulations:

Within thirty days after the effective date hereof, they shall file a written acceptance of the operative right herein stated. By accepting the operative right, they are placed on notice that they will be required, among other things, to file annual reports of their 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.

6. On or before the end of the third month after the consummation of the transfer as herein authorized, purchasers 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.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 23rd day of JUNE, 1964.

[Signature]
President
[Signature]
[Signature]
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

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

APPENDIX A

ESPARTO WAREHOUSE COMPANY
(a joint venture)

D. Q. Adams, Sr., David S. Adams, William C. Adams, Elizabeth Adams Peabody, and Nancy Adams Bloom, as copartners, and Fred Joost, an individual, together constituting a joint venture doing business as Esparto Warehouse Company, possess 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>
Esparto	49,152

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

End of Appendix A

Issued by California Public Utilities Commission.

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Appendix B

LAWRENCE WAREHOUSE COMPANY
(a corporation)

Lawrence Warehouse 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>
Fresno	82,500

(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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