

69384

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)

(a) TRULOVE TRANSFER & STORAGE, INC., a corporation, for authority to issue shares of its common capital stock pursuant to Section 816-830 of the California Public Utilities Code.)

Application No. 47661
Filed June 11, 1965

(b) O. L. TRULOVE, an individual, doing business as TRULOVE TRANSFER & STORAGE, to sell, and TRULOVE TRANSFER & STORAGE, INC., a corporation, to purchase prescriptive warehouse operating authority, pursuant to Section 851-853 of the California Public Utilities Code.)

O P I N I O N

This is an application for an order of the Commission (1) authorizing O. L. Trulove, an individual doing business as Trulove Transfer & Storage, to sell and transfer a prescriptive operative right as a public utility warehouseman, together with related public utility properties, to Trulove Transfer & Storage, Inc., and (2) authorizing said corporation to issue \$12,000 par value of its capital stock.

Pursuant to an investigation on its own motion in Case No. 6766, the Commission determined on August 9, 1960, that O. L. Trulove, doing business as Trulove Transfer &

Storage, possesses a prescriptive operative right as a public utility warehouseman at Inglewood, Los Angeles County, but made no determination with respect to operative rights as a public utility warehouseman within any city having a population of 150,000 or more. Said right authorizes the operation of 6,200 square feet of storage or warehouse floor space, exclusive of the expansion permissible under Section 1051 of the Public Utilities Code. In addition, the application shows that O. L. Trulove operates as a highway common carrier under the jurisdiction of the Interstate Commerce Commission.

Trulove Transfer & Storage, Inc. is a California corporation organized on or about April 29, 1964. It possesses permits to operate as a city carrier, highway contract carrier, household goods carrier and radial highway common carrier, all of which it acquired from O. L. Trulove pursuant to authorizations previously granted by this Commission. In addition, the corporation proposes to acquire said highway common carrier certificate of public convenience and necessity pursuant to authority of the Interstate Commerce Commission.

Exhibit D attached to the application shows that on October 1, 1964, subject to receiving authorizations from this Commission and from the Interstate Commerce Commission, O. L. Trulove agreed to sell and transfer to Trulove Transfer & Storage, Inc. the prescriptive operative right as a public utility warehouseman and the highway common carrier certificate

of public convenience and necessity for a total sum of \$200, to be allocated in the amounts of \$100 to each of the two operating authorities.

A pro forma balance sheet of Trulove Transfer & Storage, Inc., as of March 31, 1965, giving effect to the proposed transactions, including the issuance of \$12,000 par value of capital stock in exchange for the assets to be acquired and liabilities to be assumed and based upon a portion of Exhibit B attached to the application, is as follows:

<u>Assets</u>	
Current assets	\$16,145
Fixed assets less reserves for depreciation	32,511
Intangible property	<u>200</u>
Total	<u>\$48,856</u>
<u>Liabilities</u>	
Current liabilities	\$19,131
Fixed liabilities	17,016
Other liabilities	709
Capital stock	<u>12,000</u>
Total	<u>\$48,856</u>

O. L. Trulove asserts that the pressures of the operation and conduct of a public utility warehouseman, as well as a motor carrier in the field of interstate commerce, have created great economic hardships upon him and have impaired, to some degree, his health and well being, thus making it desirable that he retire to a position of lesser importance and significance in regard to the rigors of the operations.

The Commission has considered this matter and finds that: (1) the proposed sale and transfer will 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 as a finding of the value of the prescriptive operative right or other assets herein authorized to be transferred nor as indicative of amounts to be included in proceedings for the determination of just and reasonable rates.

O R D E R

IT IS ORDERED that:

1. On or before December 31, 1965, O. L. Trulove, an individual doing business as Trulove Transfer & Storage, may sell and transfer, and Trulove Transfer & Storage, Inc. may purchase and acquire, the prescriptive right and properties referred to in the application.

2. Trulove Transfer & Storage, Inc., on or before December 31, 1965, for the purpose specified in this proceeding, may issue, at not less than par, not to exceed \$12,000 par value of its capital stock.

3. Trulove Transfer & Storage, Inc. shall file with the Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

4. Within thirty days after the consummation of the transfer herein authorized, Trulove Transfer & Storage, Inc. 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.

5. Trulove Transfer & Storage, Inc. shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the warehouse operations herein to show that it has adopted or established, as its own, said rates and rules. The tariff filings shall be made effective not earlier than ten days after the date of this order or 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.

6. Concurrently with the effective date of tariff filings for warehouse operations required by Ordering Paragraph 5 hereof, the prescriptive operative right as a public utility warehouseman set forth in the Order dated August 9, 1960, in Case No. 6766, is hereby revoked and, in place and stead thereof, a prescriptive operative right as a public utility warehouseman is hereby stated for Trulove Transfer & Storage, Inc., as more particularly set forth in Appendix A attached hereto.

7. In providing service pursuant to the warehouseman operative authority set forth herein, Trulove Transfer & Storage, Inc. shall comply with and observe the following service regulation:

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 such 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.

8. On or before the end of the third month after the consummation of the transfer as herein authorized, Trulove Transfer & Storage, Inc. shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of

the seller for the period commencing with the first day of the current fiscal year to and including the effective date of transfer.

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

Dated at San Francisco, California,
this 22nd day of JULY, 1965.

Frederick B. Holdhoff
President

Eric L. Grover

Augusta

Hollander Bernard
Commissioners

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A

TRULOVE TRANSFER & STORAGE, INC.
(a Corporation)

Trulove Transfer & Storage, Inc., 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>
Inglewood	6,200

(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.)

Issued by California Public Utilities Commission.

Decision No. 69384, Application No. 47661.