

ORIGINALDecision No. 70401

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Bessie Jean Reich,
 an individual doing business as
 Fleetwood Warehouse Co., to
 transfer a prescriptive right to
 operate as a public utility warehouse-
 man; and of Deringer Investment
 Corporation, a corporation, to
 acquire said prescriptive ware-
 house operative rights.

Application No. 48134
 (Filed December 20, 1965)

O P I N I O N

Bessie Jean Reich and Andrew Reich, deceased, had a prescriptive operative right as public utility warehousemen to 11,320 square feet of space (exclusive of expansion rights under Section 1051 of the Public Utilities Code) at Covina, Los Angeles County. The determination was made on July 12, 1960 in Case No. 6608.

It is alleged in the application that Bessie Jean Reich is of advanced years and in feeble health. She has not been able to adequately supervise and manage the business. As a result of this neglect she has sustained severe financial reverses. To protect her creditors she sold her motor vehicles, office equipment, moving and storage business and the warehouse building to Deringer Investment Corporation. Neither the transfer of Andrew Reich's interest to Bessie Jean Reich nor Bessie Jean Reich's transfer to Deringer had been authorized by this Commission. The instant application seeks to remedy such omission.

This operative right has not been abandoned. Warehouse Tariff No. 1, Cal. P.U.C. No. 1 is in force. Deringer plans to cancel it and participate in California Warehouse Tariff Bureau Warehouse Tariffs Nos. 28A and 29A or establish rates of its own at the same levels.

The proposed consideration for the proposed sale is various. Deringer will guarantee to the United States Internal Revenue Service the payment of \$8,309 for Mrs. Reich's delinquent payroll taxes. \$4,500 of this has been paid. Deringer will collect all of Mrs. Reich's accounts receivable and add \$16,000 of its own. These funds will be disbursed to Mrs. Reich's creditors with any balance to be paid to Mrs. Reich.

The Commission finds that the proposed transfer would not be adverse to the public interest and, to the extent that increases will result from the proposed publication of rates, said increases are justified.

The Commission concludes that the application should be granted.

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

Any instruments of transfer from Bessie Jean Reich to Deringer Investment Corporation must be re-executed after the effective date of the order following.

A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. On or before May 1, 1966, Bessie Jean Reich as surviving partner may transfer, and Deringer Investment Corporation, a corporation, may acquire, the operative rights and property referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, Deringer Investment Corporation, a corporation,

shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any deed, bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. Deringer Investment Corporation, a corporation, shall cancel the tariffs now on file with the Commission, naming rates, rules and regulations governing the warehouse operations herein and shall concurrently with such cancellation file tariffs as proposed in the application. 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, Deringer Investment Corporation, a corporation, 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 the transfer.

5. Concurrently with the effective date of tariff filings required by ordering paragraph 3 hereof, the prescriptive operative authority set forth in the order, dated July 12, 1960, in Case No. 6608, is hereby revoked and in place and stead thereof, the prescriptive operative right as a public utility warehouseman is hereby stated for Deringer Investment Corporation, a corporation, as particularly set forth in Appendix A attached hereto.

6. In providing service pursuant to the warehouse operative authority set forth herein, Deringer Investment Corporation,

a corporation, shall, within thirty days after the effective date hereof, 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 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 MARCH, 1966.

Fredrick B. Halshoff
President

John E. [unclear]

George T. Dwyer

[unclear]

Commissioners

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

Deringer Investment Corporation, 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>Number of Square Feet of Floor Space</u>
Covina and vicinity (Los Angeles County)	11,320

(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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