

ORIGINAL

Decision No. 70806

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of:)
))
HOWARD M. SETTLE, doing business)
as SETTLE'S VAN & STORAGE)
COMPANY, to transfer to HAYWARD)
WAREHOUSE CO., a corporation, a)
prescriptive operative right as)
a public utility warehouseman;)
and for HAYWARD WAREHOUSE CO.)
to issue stock.)

Application No. 48482
Filed May 19, 1966

O P I N I O N

This is an application for an order of the Commission authorizing Howard M. Settle to transfer a warehouse operative right to Hayward Warehouse Co., and authorizing the latter to issue 600 shares of its common capital stock.

Howard M. Settle, doing business as Settle's Van & Storage Company, conducts motor carrier operations under permits issued by this Commission. He is engaged also in activities as a public utility warehouseman pursuant to the prescriptive operative right determined by the Commission on August 9, 1960, in Case No. 6760. Said right authorizes the operation of 4,700 square feet of floor space in Hayward, exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.

Authority is sought to transfer the warehouse operative right to Hayward Warehouse Co., a recently organized California corporation. The transferee requests permission to issue and sell 600 shares of its common capital stock, without par value, to Howard M. Settle for \$3,000 cash, which will be used for working capital. No value will be assigned to the operative right. It appears that the purpose of the proposed transfer is to segregate the warehouse business from nonutility activities in order to facilitate operations.

The Commission has considered this matter and finds that: (1) the proposed 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 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 September 30, 1966, Howard M. Settle, doing business as Settle's Van & Storage Company, may transfer, and Hayward Warehouse Co., a corporation, may acquire, the prescriptive operative right referred to in the application.

2. Hayward Warehouse Co., on or before September 30, 1966, for the purpose of obtaining working capital, may issue and sell, for \$5 cash per share, not to exceed 600 shares of its common capital stock without par value.

3. Hayward Warehouse Co. 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, Hayward Warehouse Co. 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. Hayward Warehouse Co. 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 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.

6. Concurrently with the effective date of tariff filings for warehouse operations required by Ordering Paragraph No. 5 hereof, the prescriptive operative right as a public utility warehouseman set forth in the Order dated August 9, 1960, in Case No. 6760, is hereby revoked and, in place and stead thereof, a prescriptive operative right as a public utility warehouseman is hereby stated for Hayward Warehouse Co., as more particularly set forth in Appendix A attached hereto.

7. On or before the end of the third month after the consummation of the transfer as herein authorized, Hayward Warehouse Co. shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the warehouse operations of the transferor for the period commencing with the first day of the current year to and including the effective date of the transfer.

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

Dated at San Francisco, California, this 8th day of JUNE, 1966.

Frederick B. Holliday
 President

Ed. Mitchell

George T. Hoover

Augustus

Commissioners

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

Appendix A

HAYWARD WAREHOUSE CO.
(a corporation)

Hayward Warehouse Co., 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>
Hayward	4,700

(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.

Decision No. 70806, Application No. 48482.