

**ORIGINAL**

Decision No. 71655

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of: )  
) )  
1. ROBERT L. MAFFEI, Executor )  
of the Estate of L. D. MAFFEI, )  
deceased, to transfer )  
prescriptive operative right )  
to MAFFEI WAREHOUSE & STORAGE, )  
INC., )  
) )  
2. MAFFEI WAREHOUSE & STORAGE, )  
INC., a California corporation, )  
to issue and sell shares of )  
its capital stock. )  
\_\_\_\_\_ )

Application No. 48932  
Filed November 7, 1966

O P I N I O N

This is an application for an order of the Commission authorizing Robert L. Maffei, Executor of the Estate of L. D. Maffei, deceased, to transfer a public utility warehouseman prescriptive operative right to Maffei Warehouse & Storage, Inc., and authorizing the latter to issue and sell 30 shares of its capital stock.

Pursuant to an investigation on its own motion in Case No. 6656, the Commission determined on July 26, 1960, that L. D. Maffei, doing business as L. D. Maffei Seed Co., possessed a prescriptive operative right as a public utility warehouseman in Newman and vicinity. Said right authorizes the operation of 16,800 square feet of storage or warehouse floor space,

exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.

In the present proceeding Robert L. Maffei, Executor of the Estate of L. D. Maffei, deceased, seeks authority to transfer said prescriptive operative right as a public utility warehouseman to Maffei Warehouse & Storage, Inc., a California corporation organized on or about July 27, 1966. The latter requests permission to issue and sell 30 shares of its capital stock without par value at \$100 per share in order to obtain \$3,000 working capital. No value will be assigned to the prescriptive operative right.

The application indicates that the corporation will conduct its operations in warehouse facilities to be leased in Newman.

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 March 31, 1967, Robert L. Maffei, Executor of the Estate of L. D. Maffei, deceased, may transfer, and Maffei Warehouse & Storage, Inc. may acquire, the prescriptive operative right referred to in the application.
2. Maffei Warehouse & Storage, Inc., on or before March 31, 1967, for the purpose of obtaining working capital, may issue and sell, for \$100 cash per share, not to exceed 30 shares of its capital stock without par value.
3. Maffei Warehouse & 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, Maffei Warehouse & 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. Maffei Warehouse & 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 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 July 26, 1960, in Case No. 6656, is hereby revoked and, in place and stead thereof, a prescriptive operative right as a public utility warehouseman is hereby stated for Maffei Warehouse & Storage, Inc., as more particularly set forth in Appendix A attached hereto.

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

Dated at San Francisco, California, this 16<sup>th</sup> day of DECEMBER, 1966.

*Robert E. Nesbitt*  
President

*Fredrick B. Holdhoff*

*Augustus*

*William W. Bennett*

Commissioners

Commissioner George G. Grover did not participate in the disposition of this proceeding.

Maffei Warehouse & Storage, Inc. 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>
Newman and vicinity	16,800

(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. 71655, Application No. 48932.