

Decision No. 71893

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 (a) PAXTON TRUCKING COMPANY, a)
 corporation, to sell, and CAL-PACIFIC)
 TRUCK LINES, INC., a corporation, to)
 purchase prescriptive warehouse)
 operating authority, pursuant to)
 Section 851, et seq. of the California)
 Public Utilities Code, and, upon)
 approval thereof,)

(b) to transfer said warehouseman's)
 rights and privileges from Montebello)
 to the incorporated city of Bell,)
 pursuant to Section 1052 of the)
 California Public Utilities Code.)

Application No. 48913
(Filed October 27, 1966)

O P I N I O N

Paxton Trucking Company requests authority to sell and transfer, and Cal-Pacific Truck Lines, Inc. requests authority to purchase and acquire, the operating authority as a public utility warehouseman.

The operating authority is prescriptive in nature and was described by Commission decision dated August 9, 1960 in Case No. 6790. Said right authorizes public utility warehouse operations in 5,000 square feet of space in the City of Montebello. In addition to the sale it is requested that applicant buyer be authorized to transfer operations from the City of Montebello to the City of Bell.

The agreed cash consideration is \$3,000. Applicant buyer is presently engaged as a permitted carrier and as of March 31, 1966 indicated a net worth in the amount of \$100,577.24. According to the application, applicant buyer has leased land together with

all appurtenances including a one-story frame-stucco building, concrete floors, with full-length twelve-foot wide truck dock facilities on the north thereof, and on the south a full-length twelve-foot loading and unloading dock served by parallel railroad spur siding. The warehouse is located at 5555 South Eastern Avenue, Building No. 415, Bell, California and is only four miles from applicant seller's present warehouse in the City of Montebello. In effect the general service area will remain the same.

After consideration the Commission finds that:

1. The transfer of the operating authority would not be adverse to the public interest.
2. The dedication to the public of the warehouse service will remain substantially as it is.
3. Public convenience and necessity do not require continuation of the public utility warehouse operations in Montebello.
4. Public convenience and necessity require operation of comparable public utility warehouse operations in Bell.

A public hearing is not necessary.

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.

O R D E R

IT IS ORDERED that:

1. On or before June 1, 1967, Paxton Trucking Company, a corporation, may sell and transfer, and Cal-Pacific Truck Lines, Inc., a corporation, may purchase and acquire, the operative rights referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Cal-Pacific Truck Lines, 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.

3. Cal-Pacific Truck Lines, 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 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, Cal-Pacific Truck Lines, 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 the transfer.

5. Concurrently with the tariff filings required by ordering paragraph 3 hereof, the operating authority described by Commission decision dated August 9, 1960 is hereby revoked and in its place and stead a certificate of public convenience and necessity is granted to Cal-Pacific Truck Lines, Inc., authorizing operations as a public utility warehouseman, as defined in Section 239 (b) of the Public Utilities Code, for the operation of storage or warehouse floor space as set forth in Appendix A attached hereto and by reference made a part hereof.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 24th day of JANUARY, 1967.

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner WILLIAM SYMONS, JR. did not participate in the disposition of this proceeding.

