

ORIGINALDecision No. 72202

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of AUDREY A. TAYLOR and BANK OF)
AMERICA NATIONAL TRUST AND SAVINGS)
ASSOCIATION, co-executors of the)
Estate of Russell B. Taylor,)
Deceased, to transfer warehouse)
operative right at Sebastopol,)
California, to Taylor-Doyle, Inc.,)
doing business as Taylor Freezer)
& Cold Storage.)

Application No. 49121
(Filed February 1, 1967)

O P I N I O N

Audrey A. Taylor and Bank of America National Trust and Savings Association as co-executors of the Estate of Russell B. Taylor, deceased, request authority to sell and transfer certain warehouse operative authority to Taylor-Doyle, Inc., doing business as Taylor Freezer & Cold Storage. The transfer also includes all assets and good will.

Prior to his death on June 30, 1965, Russell B. Taylor operated as a public utility warehouseman in Sebastopol, California. The operative right, which is prescriptive in nature, was set forth in Case No. 6637, dated July 26, 1960, and authorizes operation in 7,430 square feet of warehouse space. The agreed cash consideration is \$3,400. Taylor-Doyle, Inc. is a newly formed corporation and as of September 30, 1966 indicated a net worth in the amount of \$27,681.

After consideration, the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary.

Applicants are hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business over a particular route. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. On or before December 1, 1967, Audrey A. Taylor and Bank of America National Trust and Savings Association, co-executors of the Estate of Russell B. Taylor, Deceased, may sell and transfer, and Taylor-Doyle, Inc., doing business as Taylor Freezer & Cold Storage, may purchase and acquire, the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Taylor-Doyle, Inc., doing business as Taylor Freezer & Cold Storage, 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. Taylor-Doyle, Inc., doing business as Taylor Freezer & Cold Storage, 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, Taylor-Doyle, Inc., doing business as Taylor Freezer & Cold Storage, 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 sellers 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 set forth in the order in Case No. 6637, dated July 26, 1960, is hereby revoked and in its place and stead a certificate of public convenience and necessity is granted to Taylor-Doyle, Inc., a corporation, 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 made a part hereof.

6. In providing service pursuant to the certificate herein granted, Taylor-Doyle, Inc., a corporation, shall comply with and observe the following service regulation:

Within thirty days after the effective date hereof, Taylor-Doyle, Inc., a corporation, shall file a written acceptance of the certificate herein granted. Taylor-Doyle, Inc., a corporation, is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, 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 public utility warehouse operations authorized by this decision.

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

Dated at San Francisco, California, this 28th day of MARCH, 1967.

[Signature]
President
[Signature]
[Signature]
[Signature]
[Signature]
Commissioners

Taylor-Doyle, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate 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>
Sebastopol	7,430

(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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