

ORIGINAL

Decision No. 72314

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of)
))
GLEN M. LEE doing business)
as LEE TRANSPORTATION &)
STORAGE)
))
for authority to lease real)
property and to transfer his)
prescriptive warehouse)
operative right, and of)
))
EDWIN RUDOLPH, doing business)
as LEE'S COMMERCIAL STORAGE)
))
to acquire such operative right.)

Application No. 49235
Filed March 24, 1967

O P I N I O N

This is an application for an order of the Commission authorizing Glen M. Lee to transfer his public utility warehouseman prescriptive operative right to Edwin Rudolph, doing business as Lee's Commercial Storage.

Pursuant to an investigation on its own motion in Case No. 6606, the Commission determined on July 12, 1960 that Glen M. Lee, doing business as Glen M. Lee Transportation & Storage, possesses a prescriptive operative right as a public utility warehouseman in Redding. Said right authorizes the operation of 1,760 square feet of storage or warehouse floor space, exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.

The application shows that Glen M. Lee desires to withdraw from business as a public utility warehouseman and that he proposes to transfer his prescriptive operative right to Edwin Rudolph, who possesses permits from this Commission authorizing him to operate as a city carrier, a household goods carrier and a radial highway common carrier.

In acquiring said right, Edwin Rudolph plans to continue operations under the name of Lee's Commercial Storage in the present warehouse facilities which he will lease from the seller for a monthly rental of \$270, with an option to purchase. No additional payment will be made for the operative right and no value will be assigned thereto.

The Commission has considered this matter and finds that the proposed transfer will not be adverse to the public interest. On the basis of this finding 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 August 31, 1967, Glen M. Lee may transfer, and Edwin Rudolph may acquire, the prescriptive operative right referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, Edwin Rudolph 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. Edwin Rudolph shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the warehouse operations herein to show that he has adopted or established, as his 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.
4. Concurrently with the effective date of tariff filings for warehouse operations required by Ordering Paragraph No. 3 hereof, the prescriptive operative right as a public utility

warehouseman set forth in the order dated July 12, 1960, in Case No. 6606, is hereby revoked and, in place and stead thereof, a prescriptive operative right as a public utility warehouseman is hereby stated for Edwin Rudolph, doing business as Lee's Commercial Storage, as more particularly set forth in Appendix A attached hereto.

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

Dated at San Francisco, California,
this 18th day of APRIL, 1967.

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

Edwin Rudolph, doing business as Lee's Commercial Storage, 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>
Redding	1,760

(The floor space shown above is exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.)

(End of Appendix A)