



A. 49278 SK

August 23, 1960, in Case No. 6891. Thereafter, and allegedly without knowledge that prior authorization of this Commission was required, applicants John J. McInerney and Dolores M. McInerney transferred their public utility warehouse business as well as their non-utility business to 1640 - 20th Street, Oakland, where they are presently operating.

Recently Marcantelli Warehouse Co., Inc. was incorporated. John J. McInerney is president of the new corporation. It is the request of the parties that the authority covering the Emeryville operation be revoked and that a certificate of public convenience and necessity authorizing comparable operations in Oakland be granted to the new corporation. It is also requested that the new corporation be authorized to issue 600 shares of its non-par value stock to John J. McInerney and Dolores M. McInerney, in consideration of the transfer of the public warehouse business and non-utility packing business owned and operated by John J. McInerney and Dolores M. McInerney. As of October 31, 1966, the equity of John J. McInerney and Dolores M. McInerney in said business ventures amounted to \$85,649.59.

The warehouse building located at 1640 - 20th Street, Oakland, consists of a one story building with concrete floor, brick side walls and a wood truss roof. The building is equipped with a sprinkler system.

A copy of the application was served upon the Secretary of the California Warehousemen's Association. The application was listed in the Commission's Daily Calendar of April 13, 1967. No protest has been received.

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After consideration the Commission finds as follows:

1. Public convenience and necessity no longer require the public utility warehouse operation of John J. McInerney and Dolores M. McInerney in Emeryville.

2. Public convenience and necessity require the operations of Marcantelli Warehouse Co., Inc. as a public utility warehouseman in 4000 square feet of warehouse space in Oakland.

3. 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 that such purpose is not in whole or in part, reasonably chargeable to operating expense or to income.

4. A public hearing is not necessary.

The Commission concludes that the application should be granted.

In issuing our order herein, we place applicant and its shareholders on notice that we do not regard the number of shares outstanding, the stated value of the shares nor the dividends paid as measuring the return applicant should be allowed to earn on its investment in plant and that the authorization herein given is not to be construed as a finding of value of applicant's stock or properties 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. A certificate of public convenience and necessity is granted to Marcantelli Warehouse Co., 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.

2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant 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.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office.
- (c) 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 establishment of the service herein authorized.
- (d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 61-A.

3. Concurrent with the tariff filings required by ordering paragraph 2(c) hereof the operating authority set forth in Commission order dated August 23, 1960, in Case No. 6891 is hereby revoked.

4. After the effective date hereof and on or before March 1, 1968, Marcantelli Warehouse Co., Inc., may issue not to exceed 600 shares of its non-par value capital stock for the purpose heretofore specified.

5. Marcantelli Warehouse Co., Inc. shall file with the Commission a report or reports, as required by General Order No. 24-B, which order, insofar as applicable, is made a part of this order.

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

Dated at San Francisco, California, this 31st day of 1 MAY, 1967.

*W. E. Marshall*  
President

*William L. ...*

*Augusta*

*William ...*

*John P. ...*  
Commissioners

HJH

Appendix A

Marcantelli Warehouse Co., Inc.

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By the certificate of public convenience and necessity granted in the decision noted in the margin, Marcantelli Warehouse Co., Inc. is authorized to operate as a public utility warehouseman as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Oakland	4,000

(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. 72508, Application No. 49278.