

ORIGINAL

Decision No. 72952

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DILLON DRAYAGE & WAREHOUSE CO., INC.,)
to sell and WILLIAM J. GONZALEZ, an)
individual doing business as)
GONZALEZ FREIGHT LINES, to purchase)
a warehouse certificate.)

Application No. 49468
(Filed June 15, 1967)

O P I N I O N

Dillon Drayage & Warehouse Co., Inc. (hereinafter referred to as Dillon) and William J. Gonzalez, doing business as Gonzalez Freight Lines^{1/} (hereinafter referred to as Gonzalez) seek herein authority for Dillon to sell and transfer and Gonzalez to purchase and acquire Dillon's certificate of public convenience and necessity to operate as a warehouseman in the City and County of San Francisco.

Dillon holds a certificate of public convenience and necessity authorizing it to operate as a warehouseman within the City and County of San Francisco which was granted by this Commission in Decision No. 61523 in Application No. 42964. The certificate authorizes Dillon to operate no more than 25,000 square feet of warehouse area. Dillon also possesses highway common carrier operating authority and the following permits granted by this Commission: city carrier, radial highway common carrier and highway contract carrier. Only Dillon's warehouse certificate is involved in this proceeding. Gonzalez holds a certificate of public convenience and necessity authorizing him to operate as a

^{1/} Gonzalez has also done business under the name of Gonzalez Drayage Co.

highway common carrier for general commodities between various points in California. He also holds the following permits granted by this Commission: city carrier, radial highway common carrier and highway contract carrier.

The verified application avers that Dillon desires to withdraw from the public warehousing business; that Dillon's trucking and pool car distribution operations and the freight forwarding operations of a commonly owned affiliate have grown; that its principal employees are finding it difficult to devote sufficient time to its warehousing operations and that it desires to use the building space dedicated to public utility warehousing for other business purposes. The application indicates that Gonzalez has had some limited experience in warehousing; that Gonzalez has 13,000 square feet of inside storage space and 22,000 feet of outdoor storage space available for the proposed operation and that Gonzalez has sufficient fork lifts and hand trucks to conduct the proposed operation.

The record indicates that Dillon and Gonzalez have entered into an oral agreement whereby Dillon agrees to sell the certificate here under consideration to Gonzalez for \$2,500. No other operating rights or property are involved in this transaction. Gonzalez has indicated that if the application is granted, he will continue in effect Dillon's presently authorized rates which are published in California Warehouse Tariff Bureau's Warehouse Tariff No. 41, Cal. P.U.C. 212, issued by Jack L. Dawson, Agent. An income statement attached to the application indicates that Gonzalez in 1966 had gross trucking revenues of \$304,128 and a net income of \$24,060. A balance sheet as of March 31, 1967, indicates that his proprietor's equity was \$12,756 as of that date. The

record also indicates that copies of the application were served upon the California Warehousemen's Association and fourteen warehousemen located in San Francisco and that the Commission has received no protests in connection therewith.

The Commission makes the following findings and conclusions.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. The sale and transfer of Dillon's certificate of public convenience and necessity to operate as a warehouseman to Gonzalez would not be adverse to the public interest.
3. Gonzalez has the ability, including financial ability, to conduct operations under the certificate here involved.

Conclusions of Law

1. Dillon should be authorized to sell and transfer and Gonzalez to purchase and acquire Dillon's authority to operate as a warehouseman.
2. The authorization herein granted shall not be construed as a finding of the value of the rights herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before July 1, 1968, Dillon Drayage & Warehouse Co., Inc., may sell and transfer and William J. Gonzalez may purchase and acquire, the operative rights referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, William J. Gonzalez 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. William J. Gonzalez 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 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.

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

Dated at San Francisco, California, this 22nd day of AUGUST, 1967.

[Signature]
President

[Signature]

[Signature]
Commissioners

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Commissioners