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ORIGINAL

Decision No. 74227

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of MERLYN F. TESKEY,)
 to transfer his prescriptive)
 operating right to operate as a)
 public utility warehouseman; of)
 MARLIN WAREHOUSING CORPORATION,)
 a corporation, to acquire said)
 operative right; and to transfer)
 the location of said operative)
 right to Vernon, California;)
 and of MARLIN WAREHOUSING)
 CORPORATION to issue capital)
 stock.)

Application No. 50126
(Filed April 1, 1968)

O P I N I O N

Merlyn F. Teskey requests authority to sell and transfer and Marlin Warehousing Corporation requests authority to purchase and acquire an operative right authorizing operations as a public utility warehouseman. Applicant buyer also requests authority to issue 100 shares of its \$100 par value capital stock, at par, to Leo Y. Selesnick for cash to finance said purchase and to provide operating capital.

The operative right was described by Commission order dated September 1, 1960 in Case No. 6943 and authorizes operations in 9,000 square feet of storage or warehouse floor space at Walnut Park. Said authority was acquired by applicant seller by Decision No. 66441, dated December 10, 1963, in Application No. 45867.

Applicant seller is also engaged as a permitted carrier and according to the application desires to devote his full time to said operations.

The agreed cash consideration is \$3,000. Applicant buyer is a newly formed corporation and alleges that it has been unable to acquire suitable warehouse space within the unincorporated community of Walnut Park. It therefore requests authority to transfer the

place of doing business to Vernon, California, where negotiations are being conducted to lease 20,000 square feet of floor space at 2345 East 48th Street. The building is constructed with steel and concrete. It is equipped with automatic fire sprinklers and includes office space, loading dock and parking facilities. The new location is approximately five miles from the present location of applicant seller's operation but within the same general commercial and industrial complex. A copy of the application was served upon the Los Angeles Warehouseman's Association. The application was listed on the Commission's Daily Calendar of April 2, 1968. No objection to the granting of the application has been received.

After consideration the Commission finds the proposed transfer would not be adverse to the public interest provided that the owner of any property in storage may at his discretion direct that his property be transported to any other available public warehouse within the vicinity at applicant seller's expense. If this condition is complied with the Commission then finds that public convenience and necessity no longer require public utility warehouse operations at the Walnut Park location and that public convenience and necessity require public utility warehouse operations as proposed by applicant buyer at Vernon, California. The Commission further finds that the money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purposes specified herein, and such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income.

O R D E R

IT IS ORDERED that:

1. On or before March 1, 1969, Merlyn F. Teskey may sell and transfer and Marlin Warehousing Corporation may purchase and acquire the operative right referred to in the application subject to the conditions set forth in paragraph 5 hereof.

2. Within thirty days after the consummation of the transfer herein authorized, Marlin Warehousing Corporation 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. Marlin Warehousing Corporation 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 for warehouse operations at Vernon. 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 discontinuance of service at Walnut Park and not earlier than 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. Failure to comply with and observe the provisions of General Order No. 61-A may result in a cancellation of the operating authority granted by this decision.

4. On or before the end of the third month after the consummation of the transfer as herein authorized, Marlin Warehousing Corporation shall cause to be filed with the Commission, in such form

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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. Merlyn F. Teskey is hereby authorized to discontinue public utility warehouse operations at Walnut Park and the operative right to operate as a public utility warehouseman acquired by him by Decision No. 66441 dated December 10, 1963, in Application No. 45867, is hereby revoked, subject to the following conditions:

- (a) Applicant seller shall continue as a public utility warehouseman at Walnut Park rendering all services specified in his tariff at rates and charges therein provided, so long as any property remains in storage in the warehouse involved; except that from and after the date of filing the written acceptance specified in condition (b) hereof, applicant seller shall not be required to receive any additional goods for storage.
- (b) Applicant seller shall, within thirty days after the effective date of this order, file with the Commission a written acceptance of this order, including all of the provisions and conditions thereof.
- (c) Applicant seller shall cause to be prepared and to be mailed or otherwise delivered to each storage patron, on or before thirty days after the effective date of this order, a true and complete copy of this order.
- (d) Applicant seller shall, at the direction of the owner of any property remaining in storage, transport such property to any available public warehouse at the expense of applicant seller and at no expense or risk to the owner of the property transported.
- (e) Applicant seller shall, promptly on removal of all stored property from the warehouse, file with the Commission a verified statement that conditions (a) to (d), inclusive, have been fully complied with.

6. Concurrent with the tariff filings required by ordering paragraph 3 hereof a certificate of public convenience and necessity is granted to Marlin Warehousing 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.

7. Within thirty days after the effective date hereof, Marlin Warehousing Corporation 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.

8. On or before March 1, 1969, Marlin Warehousing Corporation is hereby authorized to issue not to exceed \$10,000 of its capital stock for the purposes specified in the application.

9. Marlin Warehousing Corporation 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 Los Angeles, California, this 11th day of JUNE, 1968.

E. N. [Signature]
President

[Signature]
William M. [Signature]
Sted P. [Signature]
Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

Marlin Warehousing Corporation, 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>
City of Vernon.	20,000

(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.

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