

**ORIGINAL**

Decision No. 74321

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:

(a) COMMERCE WAREHOUSE COMPANY, a corporation, to purchase, and CAL-PACIFIC TRUCK LINES, INC., a corporation, to sell public utility warehouse operating authority, pursuant to Section 851, et seq., and Section 1052 of the California Public Utilities Code; and upon approval thereof,

(b) To transfer said warehouseman's authority from Bell, California to City of Commerce, California, pursuant to Section 1052 of the California Public Utilities Code; and

(c) To extend or increase storage or warehouse floor space from 5,000 square feet to 45,000 square feet, pursuant to Section 1051 of the California Public Utilities Code.

Application No. 50173  
(Filed April 15, 1968)

O P I N I O N

Commerce Warehouse Company requests authority to purchase and acquire, and Cal-Pacific Truck Lines, Inc., requests authority to sell and transfer, the latter's operating authority as a public utility warehouseman.

The operating authority was granted to Cal-Pacific Truck Lines, Inc., by Commission Decision No. 71893, dated January 24, 1967, in Application No. 48913. Said right authorizes public utility warehouse operations in 5,000 square feet of space in the City of Bell. In addition to the sale it is requested that applicant buyer be authorized to transfer operations from the City of Bell to the

City of Commerce, and to extend or increase the storage or warehouse floor space from 5,000 square feet to 45,000 square feet.

The agreed cash consideration is \$6,000. Applicant buyer is presently engaged in the operation and conduct of a private warehouse company, and as of December 31, 1967 indicated total assets of \$85,752.67. According to the application, applicant buyer has leased land, together with all appurtenances including a tilt-up concrete construction, consisting of 34,000 square feet, including truck-high floor space with availability of 23 feet stacking height, located at 6121 E. Randolph Street, in the City of Commerce, California. Buyer has additional leased land and facilities at 6449 E. Slauson Boulevard, in the City of Commerce. Both warehouse facilities are served by the L. A. Junction Railroad, a universal switch railroad.

Buyer intends to utilize the increased storage space for the purpose of operating as a public warehouseman and storing general merchandise after receiving numerous requests from the public for the use of warehouse facilities and the storage and handling of merchandise in the City of Commerce. Since the location of buyer's facilities is approximately four miles from seller's present facilities, the general service area will remain the same. Copies of the application were mailed to Los Angeles Warehousemen's Association and other interested parties on or about April 8, 1968. The application was listed on the Commission's Daily Calendar of April 17, 1968. No objection to the granting of the application has been received.

After consideration the Commission finds that:

1. The transfer of the operating authority would not be adverse to the public interest.
2. The dedication to the public of the expanded warehouse service is in the public interest.

3. Public convenience and necessity do not require continuation of the public utility warehouse operations in Bell.

4. Public convenience and necessity require operation of comparable public utility warehouse operations in the City of Commerce.

A public hearing is not necessary.

The application should be granted.

The authorization herein granted shall not be construed as a finding of the value of the right and properties herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. On or before January 1, 1969, Cal-Pacific Truck Lines, Inc., a corporation, may sell and transfer, and Commerce Warehouse Company, a corporation, may purchase and acquire, the operative right referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Commerce Warehouse Company 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. Commerce Warehouse Company 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 operations in the City of Commerce. 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 not earlier than the date service is discontinued at Bell and 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. 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, Commerce Warehouse Company 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 seller for the period commencing with the first day of the current fiscal year to and including the effective date of the transfer.

5. Cal-Pacific Truck Lines, Inc., is hereby authorized to discontinue public utility warehouse operations at Bell and the operative right as a public utility warehouseman acquired by it by Decision No. 71893, dated January 24, 1967, in Application No. 48913, is hereby revoked, subject to the following conditions:

- (a) Applicant seller shall continue as a public utility warehouseman at Bell rendering all services specified in its 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) Applicants 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. Concurrently with the tariff filings required by ordering paragraph 3 hereof, a certificate of public convenience and necessity is granted to Commerce Warehouse Company authorizing operations 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 by reference made a part hereof.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 2nd day of JULY, 1968.

[Signature]  
President

[Signature]

[Signature]  
Commissioners

Commissioner A. W. GATOV

Present but not participating.

Commerce Warehouse Company, 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 Commerce	45,000

(The floor space 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 74321, Application No. 50173.