

ORIGINALDecision No. 75998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 AMETHYST BUILDERS, INC., a corpora-)
 tion, doing business as SOUTHERN)
 TRUCK LINE to sell, and USCO SERVICES,)
 INC., a corporation, to purchase)
 prescriptive warehouse operating)
 authority pursuant to Section 851, et)
 seq., and Section 1052 of the)
 California Public Utilities Code.)

Application No. 51219
 (Filed July 1, 1969)

O P I N I O N

Amethyst Builders, Inc., doing business as Southern Truck Line, requests authority to sell and transfer, and Usco Services, Inc. requests authority to purchase and acquire, a prescriptive right authorizing operations as a public utility warehouseman.

The authority was set forth in Commission order dated August 16, 1960, in Case No. 6830 and provides for operations in 5,000 square feet of floor space in the City of Vernon. The agreed cash consideration is \$6,500.

Applicant purchaser is presently engaged in private warehouse operations and in the distribution of tires, chemicals, auto parts and accessories. Said operations are conducted in 75,000 square feet of storage and warehouse space located in the City and County of San Francisco. As of April 25, 1969, applicant purchaser indicated a net worth in the amount of \$54,257.

At the present time applicant purchaser is negotiating for the lease of 55,000 square feet of space in the City of Vernon.

A copy of the application was served upon the Los Angeles Warehousemen's Association. The application was listed on the

Commission's Daily Calendar of July 4, 1969. No protest has been received.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificate presently held by Amethyst Builders, Inc. and the issuance of a certificate in appendix form to Usco Services, Inc.

Usco Services, Inc. is hereby placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, these rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. On or before May 1, 1970, Amethyst Builders, Inc. may sell and transfer, and Usco Services, Inc. may purchase and acquire, the operative right referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, purchaser 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. Purchaser 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. 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. 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, purchaser 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. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Usco Services, 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.

6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity set forth in Commission order dated August 16, 1960, in Case No. 6830, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. 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.

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

Dated at San Francisco, California, this 5th day of AUGUST, 1969.

William J. ...
President

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Commissioners

USCO SERVICES, INC., a corporation, by authority of the decision noted in the margin, is authorized to operate as a public utility warehouseman as defined in Section 239(b) of the Public Utilities Code as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Vernon	5,000

(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. 75998, Application No. 51219.