

ORIGINAL

76007

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ACCURATE CARTAGE AND WAREHOUSING, INC.,)
 a corporation, and ROBERTSON DRAYAGE)
 CO., 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.)

Application No. 51084
 (Filed May 19, 1969)

O P I N I O N

By this application Accurate Cartage and Warehouse, Inc. (Buyer), seeks authority to purchase and Robertson Drayage Co., Inc. (Seller), seeks authority to sell operating rights as a public utility warehouseman at San Francisco.

Buyer is presently engaged in the operation and conduct of a freight consolidation and pool car distribution business, having warehouse space and rendering incidental warehousing services, including loading, unloading, marking, accounting for and inventorying manufacturers' goods, wares and merchandise at San Francisco, California. Said operations utilize approximately 37,000 square feet of storage and warehouse floor space at 425 King Street, San Francisco, California.

It is applicant buyer's proposal that said location hereafter be operated as a public utility warehouse operation for the public generally at said location. Said premises are served by a rail spur through the facilities of the Southern Pacific Company as well as by motor transport. The public generally will be given the option of using either rail service or motor truck service in placing

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goods in and removing goods from said warehouse facility. The warehouse facility consists of two buildings constructed of wood with steel reinforcement.

Seller is engaged in the operation and conduct of a public utility warehouse for the operation of storage and warehouse floor space at 700 - 16th Street, San Francisco, California, under and pursuant to an operative right as a public utility warehouseman (File No. W-262). Seller is presently engaged in the transportation of property as a radial highway common carrier (File No. T-14,993).

Buyer proposes, upon order authorizing the transfer, to join and adopt the tariff of the California Warehouse Tariff Bureau, Warehouse Tariff No. 48, Cal. PUC 219, Jack L. Dawson, Agent.

The total consideration for the purchase and sale of the warehouseman's operative rights and the goodwill of seller developed in the course and conduct of its public warehouse operations, is the total sum of \$7,000.00, all as more particularly set forth in that certain Purchase Agreement entered into by applicant parties hereto, marked Exhibit "D", attached to the application.

Seller is primarily engaged in for-hire transportation of property as a permitted motor carrier in intrastate commerce, and is desirous and anxious to devote its full time, energies and attention to the conduct of its motor carrier operations.

The application was served in accordance with the Commission's procedural rules and appeared on the Commission's Daily Calendar on May 20, 1969. No protests have been received.

After consideration, the Commission finds that the proposed transfer of the operating authority would not be adverse to the public interest. A public hearing is not necessary. The order which follows

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will provide for, in the event the transfer is consummated, the revocation of the certificate presently held by seller and the issuance of a certificate in appendix form to buyer.

Accurate Cartage and Warehousing, 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, such 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.

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 August 1, 1969, Robertson Drayage Co., Inc. may sell and transfer, and Accurate Cartage and Warehousing, Inc. may purchase and acquire, the operative rights 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 Accurate Cartage and Warehousing, 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 to operate as a public utility warehouseman at San Francisco now possessed by Robertson Drayage Co., Inc., 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, purchaser shall file a written acceptance of the certificate herein granted. Purchaser 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. Purchaser shall comply with the regulations of the California Department of Public Health concerning hazardous or toxic commodities by including in its tariff a rule reading substantially as follows:

Hazardous or Toxic Commodities:

The warehouseman will not be required to accept for storage any commodity of a toxic nature which could contaminate other commodities in storage or be hazardous to the health of warehouse personnel. At warehouseman's option such hazardous or toxic commodities, when properly packaged and labeled to reduce contamination and health hazard to a minimum, may be accepted for storage in an area isolated from other commodities subject to contamination. Any additional services in the way of warehouse labor or excessive use of space arising from isolation of such commodities will be charged to the storage account.

9. Applicants shall at the direction of the owner of any property remaining in storage at the warehouse of Robertson Drayage Co., Inc. transport such property to any available public utility warehouse at the expense of the applicants and at no expense or risk to the owner of the property transported.

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

Dated at San Francisco, California, this 12th day of AUGUST, 1969.

William J. ...
President

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J. P. ...

...
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Accurate Cartage and Warehousing, Inc., a 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>
San Francisco	37,000

(The floor space shown 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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