

ORIGINAL

Decision No. 76736

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of DOTY BRICK WAREHOUSE,)
 a California corporation, to trans-)
 fer its assets, upon liquidation,)
 to its shareholders, CHARLOTTE M.)
 BRINK individually and as Trustee)
 under Last Will of LEON BRINK,)
 deceased, H. S. BRINK, JR., and)
 HELEN H. PERSONS, as individuals,)
 and MELBA E. PERSONS, Executrix of)
 Last Will of STANLEY M. PERSONS,)
 deceased

and

Application of CHARLOTTE M. BRINK,)
 individually and as Trustee under)
 Last Will of LEON BRINK, deceased,)
 H. S. BRINK, JR., and HELEN H.)
 PERSONS, as individuals, and MELBA)
 E. PERSONS, Executrix of Last Will)
 of STANLEY M. PERSONS, deceased,)
 to continue the operation of said)
 DOTY BRICK WAREHOUSE.

Application No. 51462
 (Filed November 6, 1969)

O P I N I O N

Applicant Doty Brick Warehouse, a California corporation, seeks authority after liquidation to distribute its assets to its shareholders, applicants Charlotte M. Brink, individually and as Trustee under Last Will of Leon Brink, deceased, E. S. Brink, Jr., and Helen H. Persons, as individuals, and Melba E. Persons, Executrix of Last Will of Stanley M. Persons, deceased, in proportion to their shareholdings, who intend thereafter to continue the operation of said warehouse business.

By Decision No. 56105, issued January 14, 1958, in Application No. 39670, applicant Doty Brick Warehouse was authorized to issue stock in payment for the warehouse properties

and business which are the subject of this proceeding and which were transferred to Doty Brick Warehouse by the previous owners Leon Brink, H. S. Brink, Jr., Mattie E. Thomas, Stanley M. Persons and Philip S. Persons.

The Annual Report of Doty Brick Warehouse for the year ended June 30, 1969 shows net warehouse public utility operating income of \$280, net warehouse nonutility operating income of \$1,798, net other operating income of \$1,127, net income before income taxes of \$3,205 and net income of \$3,105 after taxes of \$100. The balance sheet as of June 30, 1969 which is included in such Annual Report shows total assets of \$26,167, equity of \$24,529, and current and accrued liabilities of \$1,638.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that the application should be granted. A public hearing is not necessary.

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

O R D E R

IT IS ORDERED that:

1. On or before June 30, 1970, Doty Brick Warehouse, a California corporation, upon liquidation, may distribute and transfer and Charlotte M. Brink, individually and as Trustee under Last Will of Leon Brink, deceased, H. S. Brink, Jr., individually, Helen E. Persons, individually, and Melba E. Persons, as Executrix of Last Will of Stanley M. Persons, deceased, may receive and acquire the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Charlotte M. Brink, individually and as Trustee under Last Will of Leon Brink, deceased, H. S. Brink, Jr., individually, Helen E. Persons, individually, and Melba E. Persons, as Executrix of Last Will of Stanley M. Persons, deceased, shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of the instrument of transfer which may be executed to effect said transfer.

3. Charlotte M. Brink, individually and as Trustee under Last Will of Leon Brink, deceased, H. S. Brink, Jr., individually, Helen E. Persons, individually, and Melba E. Persons, as Executrix of Last Will of Stanley M. Persons, deceased, shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the warehouse operations herein to show that they have adopted or established, as their 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, Charlotte M. Brink, individually and as Trustee under Last Will of Leon Brink,

deceased, H. S. Brink, Jr., individually, Helen H. Persons, individually, and Melba E. Persons, as Executrix of Last Will of Stanley M. Persons, deceased, 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 Doty Brick Warehouse, a corporation, 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 Charlotte M. Brink, individually and as Trustee under Last Will of Leon Brink, deceased, H. S. Brink, Jr., individually, Helen E. Persons, individually, and Melba E. Persons, as Executrix of Last Will of Stanley M. Persons, deceased, as public utility warehousemen, 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 prescriptive right of Doty Brick Warehouse described in Case No. 6589, which prescriptive right is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

7. Within thirty days after the transfer herein authorized is consummated, Charlotte M. Brink, individually and as Trustee under Last Will of Leon Brink, deceased, H. S. Brink, Jr., individually, Helen H. Persons, individually, and Melba E. Persons,

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as Executrix of Last Will of Stanley M. Persons, deceased, shall file a written acceptance of the certificate herein granted. Said applicants are placed on notice that, if they accept the certificate of public convenience and necessity herein granted, they will be required, among other things, to file annual reports of their operations.

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

Dated at San Diego, California, this 3rd day of FEBRUARY, 1970.

William J. Sproule, Jr.
President

[Signature]

[Signature]

[Signature]
Commissioners

Commissioner A. W. Gotov, being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A

CHARLOTTE M. BRINK, INDIVIDUALLY
 AND AS TRUSTEE UNDER LAST WILL
 OF LEON BRINK, DECEASED, H. S.
 BRINK, JR., INDIVIDUALLY, HELEN
 H. PERSONS, INDIVIDUALLY, AND
 MELBA E. PERSONS, AS EXECUTRIX
 OF LAST WILL OF STANLEY M. PERSONS,
 DECEASED

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Charlotte M. Brink, individually and as Trustee under Last Will of Leon Brink, deceased, H. S. Brink, Jr., individually, Helen H. Persons, individually, and Melba E. Persons, as Executrix of Last Will of Stanley M. Persons, deceased, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to operate 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 follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Biggs and vicinity	60,000

(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.

Decision No. 76736, Application No. 51462.