

ORIGINAL

Decision No. 76906

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 WILLIAM J. GONZALEZ, an individual, )  
 doing business as Gonzalez Freight )  
 Lines, to sell, and USCO SERVICES, )  
 INC., a corporation, to purchase, a )  
 certificate of public convenience )  
 and necessity, authorizing public )  
 warehouseman operations pursuant to )  
 Section 851, et seq., and Section )  
 1052 of the California Public Util- )  
 ities Code. )

Application No. 51648  
 (Filed January 21, 1970)

O P I N I O N

William J. Gonzalez requests authority to sell and transfer, and USCO Services, Inc. requests authority to purchase, a certificate of public convenience and necessity authorizing operations as a public utility warehouseman.

The certificate was granted by Decision No. 21503, dated August 30, 1929, in Application No. 15212, and authorizes operations as a public utility warehouseman in San Francisco. Said certificate was acquired by applicant seller by Decision No. 72952, dated August 22, 1967, in Application No. 49468. The agreed cash consideration is \$10,000.

Applicant buyer is presently engaged in public utility warehouse operations in the City of Vernon and is also engaged in private warehouse operations in San Francisco. Applicant buyer's San Francisco warehouse consists of a 2-story brick and metallic building containing in excess of 90,000 square feet of space. As of November 23, 1969, applicant buyer indicated a net worth in the amount of \$93,441.

The application was listed on the Commission's Daily Calendar of January 27, 1970. No objection to the granting of the application 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 certificates presently held by William J. Gonzalez and USCO Services, Inc., and the issuance of a new 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, 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 September 1, 1970, William J. Gonzalez may sell and transfer, and USCO Services, 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 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 certificates of public convenience and necessity granted by Decision No. 21503 as amended by Decisions Nos. 51531, 52684, 61523, 66693 and 72952; and Decision No. 75998, which certificates are 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, 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.

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

Dated at San Francisco, California, this 10<sup>th</sup> day of MARCH, 1970.

William Lyons, Jr.  
President

Augusta

J. M. ...

Thomas ...

Yerman L. ...  
Commissioners

USCO SERVICES, INC., a corporation, by the certificate of public convenience and necessity granted by 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 for the operation of storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Vernon	5,000
San Francisco	25,000

(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. 76906, Application No. 51648.