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ORIGINAL

Decision No. 77685

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Deringer Investment Corporation, a corporation, to transfer a prescriptive right to operate as a public utility warehouseman; and of Fleetwood Warehouse Co., Inc., a corporation, to acquire said prescriptive warehouse operative rights.

Application No. 52047  
(Filed July 20, 1970)

O P I N I O N

Deringer Investment Corporation requests authority to sell and transfer, and Fleetwood Warehouse Co., Inc. requests authority to purchase and acquire, a prescriptive right authorizing operations as a public utility warehouseman.

The certificate was originally determined by Commission order dated July 12, 1960 in Case No. 6608 and restated by Decision No. 70401 dated March 1, 1966, in Application No. 48134. It authorizes operations in 11,320 square feet of space (exclusive of expansion rights under Section 1051 of the Public Utilities Code) at Covina, Los Angeles County. No value is placed upon the certificate.

The president of applicant purchaser has acquired all of the issued and outstanding shares of stock in Paul's Moving & Storage Co., Inc. and Fidelity Van & Storage, both were subsidiaries of applicant seller, and has been conducting operations since August 1969 pursuant to permits issued to said corporations. As of July 20, 1970, applicant purchaser indicated a net worth in the amount of \$9,163.

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 Deringer Investment Corporation and the issuance of a certificate in appendix form to Fleetwood Warehouse Co., Inc.

Fleetwood Warehouse Co., 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, 1971, Deringer Investment Corporation may sell and transfer, and Fleetwood Warehouse Co., 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 Fleetwood Warehouse Co., 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 granted by Decision No. 70401, 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 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 12<sup>th</sup>  
day of SEPTEMBER, 1970

[Signature]  
Chairman  
[Signature]  
William J. [Signature]  
[Signature]  
Vernon L. Sturgeon  
Commissioners

Fleetwood Warehouse Co., 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 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>
Covina	11,320

(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. 77685, Application No. 52047.