

ORIGINAL

Decision No. 78145

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 AUDREY TADLOCK, as Executrix of the
 Estate of JAMES I. TADLOCK, doing
 business as CITRONA WAREHOUSE, for
 authority to transfer the interest
 of JAMES I. TADLOCK, deceased, to
 continue operation under the
 provisions of Section 851-853 of
 the Public Utilities Code, as well
 as to transfer the real property
 pertaining to said warehouse
 pursuant to the terms of the last
 Will and Testament of JAMES I. TADLOCK.

Application No. 52277
(Filed November 4, 1970)

OPINION

Audrey Tadlock, as Executrix of the Estate of James I. Tadlock, doing business as Citrona Warehouse, requests authority to transfer the public utility warehouse operations conducted in Yolo County according to the terms of the Last Will and Testament of James I. Tadlock.

James I. Tadlock died on August 19, 1967 and according to the final order of distribution issued by the Superior Court of the State of California in and for the County of Yolo dated August 6, 1970, all of his interest in the Citrona Warehouse was distributed to Audrey Tadlock and one-half of the real property on which said warehouse is situated was distributed to Audrey Tadlock as her community property and one-half of said real property was distributed to Audrey Tadlock, Robert B. Tadlock and James E. Tadlock in trust.

After consideration the Commission finds that the transfers 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 transfers are consummated, the revocation of the prescriptive operative right herein considered and the issuance of a certificate in appendix form to Audrey Tadlock.

Audrey Tadlock 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.

O R D E R

IT IS ORDERED that:

1. On or before August 1, 1971, Audrey Tadlock, as Executrix of the Estate of James I. Tadlock, may transfer and Audrey Tadlock may acquire the operative right, and Audrey Tadlock, Robert Tadlock and James E. Tadlock may acquire the property referred to in the application.

2. Within thirty days after the consummation of the transfers herein authorized, Audrey Tadlock, Robert B. Tadlock and James E. Tadlock 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 transfers.

3. Audrey Tadlock shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the warehouse operations herein to show that she has adopted or established, as her 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. In the event the transfer authorized in paragraph 1 hereof is consummated, a certificate of public convenience and necessity is granted to Audrey Tadlock, 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.

5. The certificate of public convenience and necessity granted in paragraph 4 of this order shall supersede the prescriptive operative right set forth in Commission order dated August 16, 1960, in Case No. 6849, which prescriptive right is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

6. Within thirty days after the transfer herein authorized is consummated, Audrey Tadlock shall file a written acceptance of the certificate herein granted. Audrey Tadlock is placed on notice that, if she accepts the certificate of public convenience and necessity herein granted, she will be required, among other things, to file annual reports of her operations.

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

Dated at San Francisco, California, this 5th date of JANUARY, 1974.

[Signature]
Chairman
William J. Lyons, Jr.
[Signature]
[Signature]
Commissioners

Audrey Tadlock, doing business as Citrona Warehouse, 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>
Citrona (Citrona Station and vicinity) (Yolo County)	12,672

(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. 78145, Application No. 52277.