

ORIGINAL

Decision No. 78415

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 HECHT FAST FREIGHT, INC., a cor- )  
 poration, to sell, and ACCURATE )  
 CARTAGE AND WAREHOUSING, INC., a )  
 corporation, and JOSEPH J. ROSSINI, )  
 an individual, to purchase, Cer- )  
 tificates of Public Convenience and )  
 Necessity Authorizing Service as a )  
 Public Utility Warehouse. )

Application No. 52422  
 (Filed January 26, 1971)

O P I N I O N

Hecht Fast Freight, Inc., requests authority to sell and transfer, and Accurate Cartage and Warehousing, Inc. (Accurate) and Joseph J. Rossini (Rossini), request authority to purchase and acquire certificates of public convenience and necessity authorizing operations as public utility warehousemen.

The certificate to be sold to Accurate was granted by Decision No. 63371 dated March 6, 1962, in Application No. 43994 and authorizes operations in 76,000 square feet of storage space in the City of Los Angeles. The certificate to be sold to Rossini was granted by Decision No. 60806 dated October 4, 1960, in Application No. 41893 and authorizes operations in 40,000 square feet of space in the City of Los Angeles. The agreed cash consideration to be paid by Accurate is \$10,000 and the cash consideration to be paid by Rossini is \$2,500. As of September 30, 1970 Accurate indicated a net worth in the amount of \$306,662 and as of June 30, 1970, Rossini indicated a net worth in the amount of \$223,500.

Accurate is presently engaged in the transportation of property as a radial highway common carrier and highway contract carrier. Rossini is president of Hecht and Accurate.

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 Hecht Fast Freight, Inc., and the issuance of certificates in appendix form to Accurate Cartage and Warehousing, Inc. and Joseph J. Rossini.

Accurate Cartage and Warehousing, Inc. and Joseph J. Rossini are 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 December 1, 1971, Hecht Fast Freight, Inc. may sell and transfer, and Accurate Cartage and Warehousing, Inc. and Joseph J. Rossini may purchase and acquire, the operative rights referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, purchasers 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. Purchasers 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, purchasers 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.

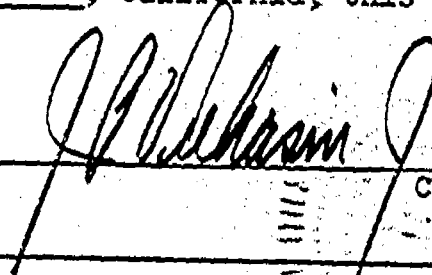
5. In the event the transfer authorized in paragraph 1 hereof is consummated, certificates of public convenience and necessity are granted to Accurate Cartage and Warehousing, Inc., a corporation, and Joseph J. Rossini as public utility warehousemen, as defined in Section 239(b) of the Public Utilities Code, for the operation of storage or warehouse floor space as set forth in Appendices A and B attached hereto and made a part hereof.

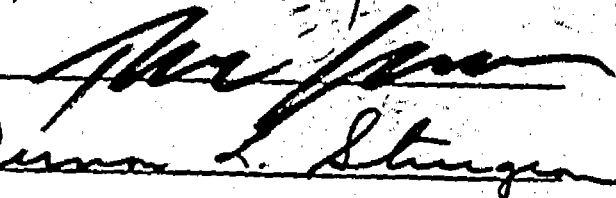
6. The certificates of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificates of public convenience and necessity granted by Decisions Nos. 63371 and 60806, which certificates are revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

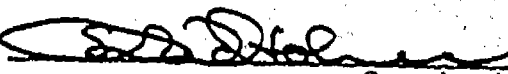
7. Within thirty days after the transfer herein authorized is consummated, purchasers shall file written acceptances of the certificates herein granted. Purchasers are placed on notice that, if they accept the certificates of public convenience and necessity herein granted, they will be required, among 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 Francisco, California, this 9th day of MARCH, 1971.

  
Chairman

  
Commissioners

  
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A ACCURATE CARTAGE AND WAREHOUSING, INC. Original Page 1  
(a corporation)

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 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>
Los Angeles	76,000

(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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Joseph J. Rossini, 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>
Los Angeles	40,000

(The floor space shown is exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.)

(END OF APPENDIX B)

Issued by California Public Utilities Commission.

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