

ORIGINAL

Decision No. 79035

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CARL B. YOUNGMARK and)
ROBERT D. YOUNGMARK (County Line Ware-)
house) for an order authorizing CARL)
B. YOUNGMARK by way of gift to transfer)
to ROBERT D. YOUNGMARK his, CARL B.)
YOUNGMARK'S, one-half (1/2) interest in)
the partnership of County Line Ware-)
house.)

Application No. 52699
(Filed June 18, 1971)

O P I N I O N

Carl B. Youngmark and Robert D. Youngmark are father and son, doing business as County Line Warehouse in Dunnigan, California. Each owns a 50 percent share of the business which operates a public utility warehouse under authority granted by Appendix A of Case No. 6632, dated July 26, 1960, as amended by Decision No. 69848, dated October 26, 1965, in Application No. 47832, and Decision No. 70878, dated June 21, 1966, in Application No. 48395.

It is alleged that the father, Carl B. Youngmark, has been ill for several years and is anxious to transfer his 50 percent interest to his son, Robert, who has operated the business for several years and has participated in it for eleven years. The transfer will be made by a deed of gift. There will be no change in operation or management since the business will continue under Robert D. Youngmark.

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 Carl B. Youngmark and Robert D. Youngmark and the issuance of a certificate in appendix form to Robert D. Youngmark.

Robert D. Youngmark 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 December 1, 1971, Carl B. Youngmark may transfer, and Robert D. Youngmark may acquire, the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, transferee 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. Transferee shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the warehouse operations herein to show that he has adopted or established, as his 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, transferee 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 Robert D. Youngmark 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 Appendix A of Case No. 6632, dated July 26, 1960, and Decisions Nos. 69848 and 70878, 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, transferee shall file a written acceptance of the certificate herein granted. Transferee is placed on notice that, if he accepts the certificate of public convenience and necessity herein granted, he will be required, among other things, to file annual reports of his operations.

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

Dated at San Francisco, California, this 16th day of AUGUST, 1971.

Chairman

Commissioners

Robert D. Youngmark, doing business as County Line 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>
Dunnigan and vicinity (Yolo County)	45,000

(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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