

ORIGINALDecision No. 79452

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 FELIX MARSH TRANSFER AND STORAGE,
 INCORPORATED, a corporation, for
 authorization to sell and transfer
 public utility warehouse operative
 right and properties to FLOYD J.
 SILLIMAN, THOMAS L. SILLIMAN, KAREN
 N. SILLIMAN, and EDMUND N. SILLIMAN.

Application No. 52951
 (Filed October 29, 1971)

O P I N I O N

Felix Marsh Transfer and Storage, Incorporated, requests authority to sell and transfer and Floyd J. Silliman, Thomas L. Silliman, Karen N. Silliman and Edmund N. Silliman request authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a public utility warehouseman.

The certificate was granted by Decision No. 77284, dated June 1, 1970, in Application No. 51835 and authorizes operations in 3,000 square feet of storage space in the City of Salinas. The cash consideration for said certificate and one fork lift truck is \$1,000. Applicant purchasers are a newly formed partnership and each partner has had several years experience in the public utility warehouse business. As of October 15, 1971, the partnership indicated a net worth in the amount of \$4,000.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. 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 Felix Marsh Transfer and Storage, Incorporated and the issuance of a certificate in appendix form to Floyd J. Silliman, Thomas L. Silliman, Karen N. Silliman, and Edmund N. Silliman.

Floyd J. Silliman, Thomas L. Silliman, Karen N. Silliman, and Edmund N. Silliman 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 May 1, 1972, Felix Marsh Transfer and Storage, Incorporated may sell and transfer, and Floyd J. Silliman, Thomas L. Silliman, Karen N. Silliman, and Edmund N. Silliman may purchase and acquire, the operative rights and property 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, a certificate of public convenience and necessity is granted to Floyd J. Silliman, Thomas L. Silliman, Karen N. Silliman, and Edmund N. Silliman 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.

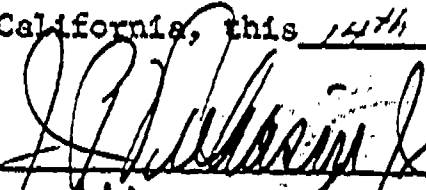
6. The certificate of public convenience and necessity granted in paragraph 5 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 77284, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

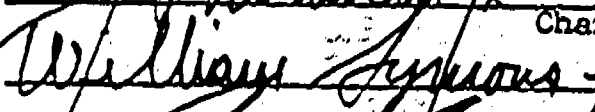
7. Within thirty days after the transfer herein authorized is consummated, purchasers shall file a written acceptance of the certificate herein granted. Purchasers are placed on notice that, if


they accept the certificate of public convenience and necessity herein granted, it 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 Los Angeles, California, this 14th day of DECEMBER, 1971.



Chairman








Commissioners

Floyd J. Silliman, Thomas L. Silliman, Karen N. Silliman and Edmund N. Silliman, doing business as Salinas Warehouse Co., 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>
Salinas	3,000

(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.

Decision No. 79459, Application No. 52951.