

Decision No. 80462

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CONSOLIDATED CALIFORNIA TERMINALS,
INC., a California corporation, to
sell, and GEORGE LANGE, doing
business under fictitious name of
STOCKTON WAREHOUSE AND DISTRIBUTION
CENTER, to purchase, certificate of
public convenience and necessity
authorizing service as a public
utility warehouse.

Application No. 53386
(Filed June 9, 1972)

O P I N I O N

By their application Consolidated California Terminals, Inc. (Consolidated) requests authority to sell and transfer and George Lange, doing business under the fictitious name of Stockton Warehouse and Distribution Center (Lange), requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a public utility warehouseman in the City of Stockton.

The certificate was granted by Decision No. 79233 dated October 13, 1971 in Application No. 52816. The agreed cash consideration is \$3,000.

The application states that Lange is at present engaged extensively in the transportation business in the State of California and that in order to carry on said trucking business effectively finds it is necessary and convenient to have a warehouse situated at Stockton, California; this proposed warehouse at Stockton would accommodate not only the present general trucking business of Lange, but it would facilitate the continuance by Lange of its relationship as a distributor for Whirlpool Corporation and Compass Trading Company; that the connections Lange presently is developing with said Whirlpool

Corporation and Compass Trading Company require extensive use of Lange's trucking facilities and a large and dependable warehouse facility at Stockton, California. As of December 31, 1971 Lange indicated a net worth in the amount of \$19,624.37.

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 Consolidated and the issuance of a certificate in appendix form to Lange.

Applicant 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 March 1, 1973, Consolidated California Terminals, Inc. may sell and transfer, and George Lange 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, 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 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, 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 George Lange, 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. 79233, 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 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 31st day of AUGUST, 1972.

Vernon L. Stinson
President
William J. Sproule
John W. ...
...
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

GEORGE LANGE
(an individual)
dba Stockton Warehouse and Distribution Center

George Lange, doing business as Stockton Warehouse and Distribution Center, 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>
Stockton	200,000

(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. 80462, Application No. 53386.