

Decision No. 81281

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of }  
SONOMA COLD STORAGE & FREEZING CO., }  
a partnership consisting of ROBERT }  
J. BUGATTO and ALPHONSE A. LA ROCCA }  
to transfer to SONOMA COLD STORAGE & }  
FREEZING CO., INC., a California }  
corporation, to acquire a Public }  
Utility Warehouse Certificate and }  
operation at Santa Rosa, California. }

Application No. 53367  
(Filed February 23, 1973)

O P I N I O N

Robert J. Bugatto and Alphonse A. La Rocca, copartners doing business as Sonoma Cold Storage & Freezing Co., request authority to transfer, and Sonoma Cold Storage & Freezing Co., Inc., a newly formed corporate successor to the copartnership, requests authority to acquire a certificate of public convenience and necessity authorizing operations as a public utility warehouseman.

The certificate was granted by Decision No. 70301 dated February 1, 1966 in Application No. 43091 and authorizes operations in 21,186 square feet of storage space in the city of Santa Rosa.

It is alleged that the proposed transfer will result in an increased efficiency in operations, which will be conducted at the same location by the same individuals. Robert J. Bugatto and Alphonse A. La Rocca received 50 percent each of the stock of the new corporation for their interest in the copartnership.

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 Robert J. Bugatto and Alphonse A. La Rocca and the issuance of a certificate in appendix form to Sonoma Cold Storage & Freezing Co., Inc.

Sonoma Cold Storage & Freezing Co., Inc. 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, 1973, Robert J. Bugatto and Alphonse A. La Rocca may sell and transfer, and Sonoma Cold Storage & Freezing Co., Inc. 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 it has adopted or established, as its 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 sellers 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 Sonoma Cold Storage & Freezing Co., Inc., a corporation, as a public utility warehouseman, as defined in Section 239(c) 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. 70301, 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 it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to file annual reports of its operations and maintain its accounting records in conformance with the applicable Uniform System of Accounts prescribed by this Commission.

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

Dated at San Francisco, California, this 17<sup>th</sup>  
day of APRIL, 1973.

Vernon L. Sturgeon  
President

William S. Jones, Jr.

[Signature]  
[Signature]  
Commissioners

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

Appendix A SONOMA COLD STORAGE & FREEZING CO., INC. Original Page 1  
(a corporation)

Sonoma Cold Storage & Freezing Co., Inc., 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(c) 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>
Santa Rosa	21,136

(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. 81281, Application No. 53067.