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ORIGINAL

Decision No. 81973

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
IMPERIAL ICE COMPANY, a dissolved)
corporation, for authorization to)
cease operations as a public utility)
warehouseman at SANTA MONICA,)
CALIFORNIA.)

Application No. 54240
(Filed August 14, 1973)

O P I N I O N

Imperial Ice Company (applicant) alleges it was a California corporation conducting business in Santa Monica, California; that on November 1, 1971, it ceased conducting business and filed an Agreement of Merger with Michel Brothers, Inc., with the California Secretary of State on November 1, 1971 (Exhibit A); that since that time, applicant has conducted no business; that after the merger applicant's business as a public utility warehouseman was not continued by the surviving corporation, Michel Brothers, Inc.; and that through inadvertence, prior authority for the merger and request for the following acts were not obtained from this Commission:

1. To cease operations as a public warehouseman.
2. For revocation of its prescriptive operative right as a public utilities warehouseman.
3. For cancellation of its participation in California Warehouse Tariff Bureau's C.S.W.T. No. 2-H, all effective November 1, 1971.

The records of this Commission show that applicant possesses a prescriptive operative right as a public utility

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warehouseman for the operation of 3,347 square feet of warehouse floor space at Santa Monica, California, pursuant to an Order made by this Commission (Case No. 6682 dated August 1, 1960).

Applicant requests authority to discontinue operations as a public utility warehouseman; revocation of its prescriptive operative right as a public utility warehouseman; and cancellation of its participation in California Wholesale Tariff Bureau's C.S.W.T. No. 2-H, all effective November 1, 1971.

Applicant alleges that very little use had been made of its facilities, and at time of merger, November 1, 1971, no use of applicant's warehouse was being made. It alleges that the total revenue derived by it or its successor from public utility warehouse operations was \$320.00 for the period of January 1 to November 1, 1971, and that it has had no operative revenues from November 1, 1971 to date.

Applicant further alleges that it has no current financial statements; that all of its assets have been distributed to the surviving California corporation, Michel Brothers, Inc.; that it has no goods in storage; and that it informed each storer who utilized its storage facilities in the past few years of the discontinuance as a public utility warehouseman, as of November 1, 1971.

In the circumstances it appears, and the Commission finds, that revocation of the prescriptive operative right, as requested, would not be adverse to the public interest. There are no protests. A public hearing is not necessary. The Commission concludes that the operative right should be revoked and that the tariffs applicable to the service thereunder should be canceled.

O R D E R

IT IS ORDERED that:

1. The prescriptive operative right as a public utility warehouseman possessed by Imperial Ice Company as determined by

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the Commission's order in Case No. 6682 dated August 1, 1960 is hereby revoked.

2. Applicant shall, at the direction of the owner of any property in storage at the present location, transport such property to another available public utility warehouse in the vicinity of Santa Monica at the expense of applicant and at no expense or risk to the owner of the property transported.

3. Within sixty days after compliance with Ordering Paragraph 2 and on not less than five days' notice to the Commission and to the public, applicant shall cancel its tariffs presently on file with the Commission to reflect the authority herein granted.

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

Dated at San Francisco, California, this 10th day of OCTOBER, 1973.

William J. Lyons President
[Signature]
[Signature]
[Signature] Commissioners

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.