

Decision No. 81992

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Columbia Van Lines, Inc.,
of California, a corporation to transfer
the warehouse operation rights at
Torrance, California, to Imperial Van
Lines, Inc., of California, a corpora-
tion at Torrance, California.

Application No. 54208
(Filed July 27, 1973)

O P I N I O N

Applicant Columbia Van Lines, Inc. of California, a California corporation, possesses a prescriptive operative right to operate a 15,000 square-foot public utility warehouse at Torrance. The prescriptive right was set forth in Decision No. 61826 dated April 11, 1961 in Case No. 6958, and transferred to Columbia by Decision No. 64293 dated September 25, 1962 in Application No. 44509.

On April 1, 1972 Columbia transferred its right to operate as a public utility warehouse to Imperial Van Lines, Inc. of California (Imperial), a California corporation. In transferring said operating right Columbia alleges it inadvertently failed to secure Commission approval for said transfer.

By this application, Columbia requests to transfer and Imperial seeks to acquire the prescriptive operative right to operate a 15,000 square-foot public utility warehouse at Torrance.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. We further find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate

presently held by Columbia Van Lines, Inc. of California and the issuance of a certificate in appendix form to Imperial Van Lines, Inc. of California.

Imperial Van Lines, Inc. of California is 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 31, 1973, Columbia Van Lines, Inc. of California may sell and transfer the operative rights referred to in the application to Imperial Van Lines, Inc. of California.
2. Within thirty days after the transfer the purchaser shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.
3. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the warehouse operations transferred to show that it has adopted or established, as its own, the 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 transfer. 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-Series. Failure to comply with the provisions of General Order No. 61-Series 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 transfer the 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 year to and including the effective date of the transfer.

5. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Imperial Van Lines, Inc. of California, a corporation, authorizing it 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 set forth in Appendix A, attached hereto and made a part hereof.

6. The prescriptive operative right acquired by Decision No. 64293 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. Purchaser shall maintain its accounting records in conformance with any applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission, and each

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year shall file with the Commission an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at Los Angeles, California, this 16th day of OCTOBER, 1973.

Vernon L. Stenger
President
William J. Lyons, Jr.

John A. ...

Commissioners

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

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Imperial Van Lines, Inc. of California, 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>
Torrance	15,000

(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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