

ORIGINAL

Decision No. 82141

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of RUSSELL P. SAMPOUL, an  
individual, doing business as  
COLONIAL VAN & STORAGE, to transfer  
a certificate of public convenience  
and necessity to operate as a  
public warehouseman, to COLONIAL  
VAN & STORAGE OF FRESNO, INC.

Application No. 54349  
(Filed September 26, 1973)

O P I N I O N

Russell P. Sampoul, doing business as Colonial Van & Storage Co., requests authority to transfer, and Colonial Van & Storage of Fresno, Inc., requests authority to acquire, a certificate of public convenience and necessity authorizing operations as a public utility warehouseman in the county of Fresno.

The certificate was granted by Decision No. 68386 dated December 22, 1964 in Application No. 47026 and authorizes operations in 16,500 square feet of space.

It is alleged that on December 16, 1970 Russell P. Sampoul transferred motor carrier authorities to Colonial Van & Storage of Fresno, Inc., a new corporation, but through inadvertence failed to transfer the warehouse authority.

The instant application was filed in compliance with a Commission letter dated July 20, 1973 directing the parties to file a formal application requesting Commission approval of the transfer of the public utility warehouse certificate as required by Section 1052 of the Public Utilities Code.

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 Russell P. Sampoul and the issuance of a certificate in appendix form to Colonial Van & Storage of Fresno, Inc.

Colonial Van & Storage of Fresno, Inc. 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 May 1, 1974, Russell P. Sampoul may sell and transfer the operative rights referred to in the application to Colonial Van & Storage of Fresno, Inc.
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 Colonial Van & Storage of Fresno, Inc. 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 certificate of public convenience and necessity granted by Decision No. 68386 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 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 San Francisco, California, this 20<sup>th</sup> day of NOVEMBER, 1973.

William J. Sturgeon President  
Vernon L. Sturgeon  
Alvin C. Lee  
Edward J. Lee Commissioners

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

Colonial Van & Storage of Fresno, 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(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>
2740 South Railroad Avenue County of Fresno	16,500

(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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