

ORIGINAL

Decision No. 82144

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:

(a) TAB TRANSPORTATION, INC., a California corporation, to purchase, and FLEETWOOD WAREHOUSE CO., INC., a California corporation, to sell public utility warehouse operating authority pursuant to Section 851, et seq. and Section 1052 of the California Utilities Code; and upon approval thereof,

(b) To operate as a public warehouseman in Los Angeles, California;

(c) For authorization to cease operations at Covina, California.

Application No. 54167
(Filed July 11, 1973)

OPINION AND ORDER

In this application Tab Transportation, Inc. (Tab) seeks to acquire the warehouse operating authority of Fleetwood Warehouse Co., Inc. (Fleetwood).

Tab is a California corporation with its principal place of business at 1631 Perrino Place, Los Angeles. Tab presently utilizes, in connection with its private warehousing operations, a 34,400 square foot structure, which includes an office and shipping dock, located at the aforementioned address. This is situated on a Union Pacific railroad spur and has approximately 45,000 square feet of parking space. This entire facility is to be dedicated to operations under the certificate proposed to be transferred to Tab from Fleetwood.

Fleetwood presently holds certificated authority as a public utility warehouseman for operation of storage and warehouse space at Covina pursuant to the certificate of public convenience and necessity granted by Decision No. 77685 dated September 1, 1970 in Application No. 52047. Under that certificate, Fleetwood obtained the right to operate 11,320 square feet of storage or warehouse space for the storage of general commodities in the city of Covina. Tab

seeks authority (1) authorizing it to acquire the public utility warehouse authority of Fleetwood, (2) authorizing Tab to operate as a public utility warehouseman in Los Angeles, and (3) authorizing cessation of warehouseman operations of Fleetwood at Covina.

Tab proposes to file with the Commission, upon order approving this application, a tariff naming its rates and rules governing the warehouse operations that are the same as, or similar to, those presently adopted by Fleetwood. The application recites that Tab intends to join the Los Angeles Warehouseman Association's division of the California Trucking Association and to participate in such association's tariff. ✓

The application avers that the operating authority sought to be transferred and relocated is required by the public convenience and necessity since the storage space in Los Angeles is located on a Union Pacific rail spur, and has truck loading and unloading facilities. The application states that both the old and new locations are within the same county and therefore no customer presently storing with Fleetwood would be disadvantaged; instead, the application states, a greater accessibility to rail facilities will be provided. In this connection, the application states that Fleetwood will make arrangements for any remaining storers at Covina to transfer to the new warehouse or to other public utility warehousemen in the immediate area.

The application states that none of Fleetwood's storers has any objections to the discontinuance of operations by Fleetwood at Covina, and that Fleetwood is prepared to pay the cost incurred in moving goods for storers at Covina to Tab's warehouse facilities in Los Angeles, or to other facilities.

No protests have been received. The Transportation Division staff has reviewed the application and believes it should be granted.

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, a revocation of the certificate presently held by Fleetwood Warehouse Co., Inc. and the issuance of a certificate in appendix form to Tab Transportation, Inc.

Tab Transportation, 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. Within one hundred twenty days after the date hereof, Fleetwood Warehouse Co., Inc. may sell and transfer the operative rights referred to in the application to Tab Transportation, 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 Tab Transportation, Inc., 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 certificate of public convenience and necessity granted by Decision No. 77685 dated September 1, 1970 in Application No. 52047 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 20th day of NOVEMBER, 1973.

William S. Brown President
William S. Brown
William S. Brown
William S. Brown Commissioners

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

Tab Transportation, Inc., a corporation, 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>
Los Angeles	11,320

(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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