

Decision No. 82274

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
ANAHEIM TRUCK & TRANSFER CO., a )  
corporation, to transfer, and CITY )  
TRANSFER, INC., a corporation, to )  
receive, an operative right )  
authorizing public warehouse )  
operations in the City of Anaheim, )  
pursuant to Sections 1051-1054 of )  
the California Public Utilities )  
Code. )

Application No. 54500  
(Filed December 11, 1973)

O P I N I O N

Anaheim Truck & Transfer Co. (Anaheim) requests authority to transfer, and City Transfer, Inc. (City) requests authority to acquire, a certificate of public convenience and necessity authorizing operations as a public utility warehouseman in the City of Anaheim.

The certificate was set forth in Decision No. 74815 in Application No. 50549.

It is alleged that Anaheim became a wholly owned subsidiary of City on November 20, 1973, and on that day voluntarily elected to wind up and dissolve its affairs; that said merger was extended pursuant to an order of the Interstate Commerce Commission dated September 28, 1973 under the exclusive and plenary jurisdiction of the Interstate Commerce Commission, pursuant to Section 5 (11) of the Interstate Commerce Act; and that the only thing remaining to be done to effect the complete liquidation is to effect the transfer of the public warehouse operative right of Anaheim.

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 Anaheim Truck & Transfer Co. and the issuance of a certificate in appendix form to City Transfer, Inc.

City Transfer, 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 August 1, 1974, Anaheim Truck & Transfer Co. may sell and transfer the operative rights referred to in the application to City Transfer, 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 one day after the effective date of this order on not less than one day's 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 City Transfer, 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 certificates of public convenience and necessity granted by Decisions Nos. 74815, 48893, and 74736 are 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

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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 is the date hereof.

Dated at San Francisco, California, this 18<sup>th</sup> day  
of DECEMBER, 1973.

  
  
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William S. Squire President  
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[Signature]  
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[Signature] Commissioners

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

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

City Transfer, 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>
Anaheim	21,750
Santa Fe Springs	15,000

City Transfer, Inc. possesses a prescriptive operative right as a public utility warehouseman for the operation of storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Long Beach	38,000

(The floor space shown above is exclusive of the 50,000 square feet of expansion permissible under Section 1051 of the Public Utilities Code.)

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

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