

ORIGINAL

Decision No. 82760

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
BAY CITIES WAREHOUSE CO., INC., a
corporation, to transfer and of
WELLSON, INC., a corporation, d.b.a.
BAY AREA WAREHOUSE CO., to acquire a
public utility warehouseman's certifi-
cate of public convenience and
necessity in the City of Emeryville,
County of Alameda, California.

Application No. 54562
(Filed January 8, 1974)

O P I N I O N

Bay Cities Warehouse Company, Inc. requests authority to sell and transfer, and Wellson, Inc., doing business as Bay Area Warehouse Co., requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a public utility warehouseman in the city of Emeryville.

The certificate was granted by Decision No. 78574 dated April 20, 1971 in Application No. 52461 and authorizes public utility warehouse operations in the cities of Emeryville and Hayward. The agreed cash consideration is \$10,000.

Applicant purchaser is a newly formed corporation and as of January 8, 1974 indicated a net worth in the amount of \$53,780. It is alleged that the management of applicant purchaser has had past experience in warehousing and trucking operations as well as in business and banking.

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 Bay Cities Warehouse Company, Inc. and the issuance of certificates in appendix form to Bay Cities Warehouse Company, Inc. and Wellson, Inc.

The authorization granted shall not be construed as a finding of the value of the rights and properties authorized to be transferred.

Applicants are 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 1, 1974, Bay Cities Warehouse Company, Inc. may sell and transfer the operative rights and property referred to in the application to Wellson, Inc.

2. Within thirty days after the transfer applicants shall file with the Commission written acceptance of the certificates and the purchaser shall file with the Commission 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 five days after the effective date of this order on not less than five 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. 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, certificates of public convenience and necessity are granted to Bay Cities Warehouse Company, Inc. and Wellson, Inc., corporations, authorizing them to operate as public utility warehousemen, as defined in Section 239(b) of the Public Utilities Code, for the operation of storage or warehouse floor space set forth in Appendices A and B, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Decision No. 78574 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Applicants are placed on notice that, if they accept the certificates, they will be required, among other things, to file annual reports of their operations.

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

Dated at San Francisco, California, this 23rd.
day of APRIL, 1974.

Vernon L. Sturgeon
President
William J. ...
J. ...
...
Commissioners

Bay Cities Warehouse Company, 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>
Hayward	55,000

(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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Wellson, 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>
Emeryville	33,000

(The floor space shown is exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.)

(END OF APPENDIX B)

Issued by California Public Utilities Commission.

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