

Decision No. 83491**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Melba E. Persons and application of Charlotte M. Brink, individually and as Trustee under Last Will of Leon Brink, deceased, H. S. Brink, Jr., Helen H. Persons, John K. Eberle and Betty P. Eberle, to continue the operation of Doty Brick Warehouse, a partnership.

Application No. 55054
(Filed July 22, 1974)

O P I N I O N

By this application Melba E. Persons seeks authority to transfer her interest in Doty Brick Warehouse to John K. Eberle and Betty P. Eberle. The other applicants have an interest in the warehouse.

It is alleged in the application that the transfer of Melba E. Persons' interest in the business and assets to said individuals will in no way affect the operation of the warehouse activities now being carried on.

There were no protests to the application, and after consideration the Commission finds that the proposed transfer will not be adverse to the public interest. 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 Charlotte M. Brink, individually and as trustee under the last will of Leon Brink, deceased, H. S. Brink, Jr., Helen H. Persons, and Melba E. Persons, as individuals, and the issuance of a certificate in appendix form to Charlotte M. Brink, individually and as trustee under the last will of Leon Brink, deceased, and H. S. Brink, Jr., Helen H. Persons, John K. Eberle and Betty P. Eberle, as individuals.

Transferees 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. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. On or before February 1, 1975, Melba E. Persons may transfer her interest in Doty Brick Warehouse to John K. Eberle and Betty P. Eberle.
2. Within thirty days after the transfer the transferees 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. Transferees shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the warehouse operations transferred to show that they have adopted or established, as their 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. 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 Charlotte M. Brink, individually and as trustee under the last will of Leon Brink, deceased, and H. S. Brink, Jr., Helen H. Persons, John K. Eberle and Betty P. Eberle, as individuals, authorizing them 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.

5. The certificate of public convenience and necessity granted by Decision No. 82110 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Transferees shall maintain their 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 their

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 25th
day of SEPTEMBER, 1974.

Vernon L. Steegen
President
William J. McGuire, Jr.
J. P. McKeown
Thomas Moran
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

Appendix A

CHARLOTTE M. BRINK, INDIVIDUALLY
AND AS TRUSTEE UNDER LAST WILL
OF LEON BRINK, DECEASED, H. S.
BRINK, JR., HELEN H. PERSONS,
JOHN K. EBERLE AND
BETTY P. EBERLE, DOING
BUSINESS AS DOTY BRICK WAREHOUSE,
A PARTNERSHIP.

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Charlotte M. Brink, individually and as Trustee under Last Will of Leon Brink, deceased, and H. S. Brink, Jr., Helen H. Persons, John K. Eberle and Betty P. Eberle, as individuals, doing business as DOTY BRICK WAREHOUSE, a partnership, by the certificate of public convenience and necessity granted in the decision noted in the margin, are 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>
Biggs and vicinity	60,000

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

(END OF APPENDIX A)

Issued by the California Public Utilities Commission.

Decision No. 83491, Application No. 55054.