

Decision No. 84225**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of H. S. BRINK, JR.,
for sale of his 25% interest in
and to DOTY BRICK WAREHOUSE to
CHARLOTTE M. BRINK, existing
partner.

Application No. 55414
(Filed December 24, 1974)

O P I N I O N

Doty Brick Warehouse, a partnership, is a public utility warehouse located at Biggs, Butte County. By this application H. S. Brink, Jr. seeks to sell his share of the partnership to Charlotte M. Brink. Upon conclusion of the sale the partners and their interest will be: Charlotte M. Brink, individually and as trustee of the Leon Brink trust, 50 percent (37-1/2 percent individually and 12-1/2 percent as trustee); John K. Eberle and Betty P. Eberle, 25 percent; and the estate of Helen H. Persons, 25 percent.

The agreed purchase price for H. S. Brink, Jr.'s interest in the partnership is the sum of \$25,000, plus accrued interest at the rate of 7 percent per annum, payable as follows: One-fifth of principal, plus accrued interest due on January 10, 1976, and thereafter annually one-fifth principal, plus accrued interest, until paid in full on January 10, 1980, with no right of acceleration until January 10, 1977, at which time purchaser shall have the right of acceleration.

This matter was listed on the Commission's Daily Calendar for December 27, 1974. No protests or requests for public hearing have been received.

In the circumstances the Commission finds that the proposed transfer will not be adverse to the public interest. 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 H. S. Brink, Jr., Charlotte M. Brink, individually and as trustee of the Leon Brink trust, John K. Eberle and Betty P. Eberle, and the estate of Helen H. Persons, and the issuance of a certificate in appendix form to Charlotte M. Brink, individually and as trustee of the Leon Brink trust, John K. Eberle and Betty P. Eberle, as individuals, and the estate of Helen H. Persons.

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.

O R D E R

IT IS ORDERED that:

1. On or before July 1, 1975, H. S. Brink, Jr. may sell his interest in Doty Brick Warehouse to Charlotte M. Brink.
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 of the Leon Brink trust, and John K. Eberle and Betty P. Eberle, as individuals, and the estate of Helen H. Persons, 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. 83491 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 MARCH, 1975.

Vernon L. Sturges
President
William J. Lyons
Edward Ross
Commissioners

Appendix A

CHARLOTTE M. BRINK, INDIVIDUALLY
AND AS TRUSTEE OF THE
LEON BRINK ESTATE,
JOHN K. EBERLE AND BETTY P. EBERLE,
AND THE ESTATE OF HELEN H. PERSONS,
DOING BUSINESS AS DOTY BRICK WAREHOUSE,
A PARTNERSHIP

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Charlotte M. Brink, individually and as trustee of the Leon Brink estate, John K. Eberle and Betty P. Eberle, and the estate of Helen H. Persons, 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:

LocationNumber of Square
Feet of Floor Space

Biggs
and vicinity

60,000

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

Issued by the California Public Utilities Commission.

Decision No. 84225, Application No. 55414.