

ORIGINALDecision No. 84679

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CARGILL OF)
 CALIFORNIA, INC., a corporation,))
 hereinafter referred to as)
 CARGILL, for ex parte considera-))
 tion and authorization to)
 transfer its Certificate of)
 Public Convenience and Necessity))
 to operate the business of a)
 warehouseman to Robert B. Nickum))
 and Frank C. Ramos, dba RAM)
 VALLEY INVESTMENT CO., a partner-))
 ship, and application of RAM)
 VALLEY INVESTMENT CO. to operate))
 the same under Certificate of)
 Public Convenience and Necessity))
 at Dixon, California.)
 And Related Matter)

Application No. 55737
 (Filed June 13, 1975)

Application No. 51630

OPINION AND ORDER

Cargill of California, Inc. (Cargill), a California corporation, operates as a public utility warehouseman at Dixon, pursuant to a certificate of public convenience and necessity granted by Decision No. 76867, dated March 3, 1970, in Application No. 51630. By this application, Cargill seeks to transfer, and Robert B. Nickum and Frank C. Ramos, a partnership, dba Ram Valley Investment Co., to acquire the aforementioned operative right and certain property as more particularly described in Exhibit A of the application.

According to the application, Robert B. Nickum, one of the partners, has been selected to manage the facility at Dixon as he has engaged in business with Cargill at the same location for over ten years and he is thoroughly familiar with all phases of the warehouse operation. The cash consideration is \$122,000 and the indicated net worth of the partnership is \$1,859,012.17.

After consideration, the Commission finds that the proposed transfer would not be adverse to the public interest and, with reasonable certainty, 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 amendment of the certificate held by Cargill of California, Inc. and the issuance of a certificate in appendix form to Robert B. Nickum and Frank C. Ramos.

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

Robert B. Nickum and Frank C. Ramos 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 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 cancelled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

IT IS ORDERED that:

1. On or before December 1, 1975, Cargill of California, Inc. may sell and transfer the operative right and property referred to in the application to Robert B. Nickum and Frank C. Ramos.
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 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, a certificate of public convenience and necessity is granted to Robert B. Nickum and Frank C. Ramos, 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.


6. Appendix A of Decision No. 76867 is amended by incorporating First Revised Page 1, attached hereto, in revision of Original Page 1 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 Secretary is directed to cause service of certified copies of the order to be made upon Cargill of California, Inc., a corporation, and Robert B. Nickum and Frank C. Ramos, a partnership, or to mail certified copies thereof to them at their last known addresses as shown in the Commission's records and to mail a copy of this order to Jack L. Dawson, Agent.

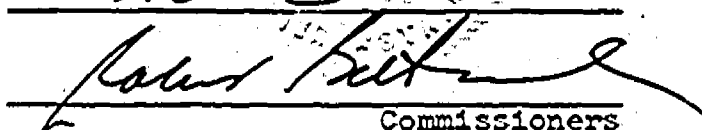
The effective date of this order is the date hereof.

Dated at San Francisco, California, this 15th day of July, 1975.


President






Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Robert B. Nickum and Frank C. Ramos, a partnership,
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>
Dixon	60,625 square feet, plus 2,000 tons bulk storage capacity

(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.

Decision No. 84679, Application No. 55737.

Cargill of California, Inc., a corporation is authorized to operate as a public utility warehouseman as defined in Section 239(b) of the Public Utilities Code as follows:

<u>Location</u>	<u>Area or Capacity</u>
Goshen (Tulare County)	8400 tons bulk storage
West Sacramento and vicinity	836,506 bushel capacity

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

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 84679, Application No. 51639.