

Decision No. 84754**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Applica-)
tion of:)
)ORLO M. HOBBS, CHARLES W. HOBBS)
and MILES P. NESBITT, co-partners)
doing business as HOBBS TRUCKING)
CO., to transfer, and HOBBS)
TRUCKING CO., a corporation, to)
acquire, a public warehouse pre-)
scriptive right, pursuant to)
Sections 851-853 of the Califor-)
nia Public Utilities Code.)
)Application No. 55701
(Filed May 19, 1975)OPINION AND ORDER

Orlo M. Hobbs, Charles W. Hobbs and Miles P. Nesbitt, co-partners, doing business as Hobbs Trucking Co., operate as a public utility warehouseman at Anaheim pursuant to a certificate of public convenience and necessity granted by Decision No. 70353 dated February 5, 1966, in Application No. 47836. By this application, they seek authority to transfer, and Hobbs Trucking Co., a California corporation, to acquire the aforementioned certificate.

No monetary consideration whatsoever is involved in the transfer of the warehouse operative right. Applicant corporation has the financial resources, experience and personnel to conduct the involved warehouse services.

The application was listed on the Commission's Daily Calendar of May 27, 1975. No objection to the granting of the application has been received.

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, revocation of the certificate held by Orlo M. Hobbs, Charles W. Hobbs and Miles P. Nesbitt and the issuance of a certificate in appendix form to Hobbs Trucking Co.

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

Hobbs Trucking Co. 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.

IT IS ORDERED that:

1. On or before December 1, 1975, Orlo M. Hobbs, Charles W. Hobbs, and Miles P. Nesbitt, may sell and transfer, the operative right referred to in the application to Hobbs Trucking Co.
2. Within thirty days after the transfer, the transferee 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. Transferee 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, such 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 Hobbs Trucking Co., 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.

5. The certificate of public convenience and necessity granted by Decision No. 70353 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Transferee 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.

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

Dated at San Francisco, California, this 5th day of August, 1975.

President
William L. Squires, Jr.

Vernon L. Stinson

L. Ross

Robert Baker
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Hobbs Trucking Co., 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	10,000

(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.

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