

Decision No. 85064

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Appli-)
cation of:)

THOMAS R. TRAVERS, an indivi-)
dual doing business as WESTERN)
VAN & STORAGE CO., to Trans-)
fer, and of H & H MOVING &)
STORAGE, INC., a Corporation,)
to acquire a certain prescrip-)
tive right to operate as)
public utility warehousemen.)

Application No. 55816
(Filed July 15, 1975)

OPINION AND ORDER

Thomas R. Travers, doing business as Western Van & Storage Co., possesses a prescriptive operative right as a public utility warehouseman for the operation of storage or warehouse floor space at Berkeley. By this application, he seeks authority to transfer, and H & H Moving & Storage, Inc. (H & H), a California corporation, to acquire the aforementioned operative right.

H & H operates as a common carrier of household goods by motor vehicle in interstate commerce between points in nine Bay Area counties under the authority of Certificate of Public Convenience and Necessity No. MC 25828 Sub 2 issued by the Interstate Commerce Commission. It also operates under a statewide household goods carrier permit issued by this Commission. According to the application, H & H has the financial resources, experience and personnel to conduct the warehouse services involved. The cash consideration is \$1.00.

A copy of the application was mailed to the California Warehousemen's Association. The application was listed

on the Commission's Daily Calendar of July 21, 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, the revocation of the prescriptive operative right held by Thomas R. Travers and the issuance of a certificate in appendix form to H & H Moving and Storage, Inc.

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

H & H Moving & Storage, Inc., 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 March 1, 1976, Thomas R. Travers may sell and transfer the operative right referred to in the application to H & H Moving & Storage, Inc., a corporation.

2. Within thirty days after the transfer, 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, 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 H & H Moving & Storage, Inc., 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 prescriptive operative right as determined by the Commission's order dated August 16, 1960, in Case No. 6824 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.


6. 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

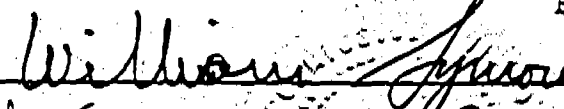
as the Commission, from time to time, shall prescribe.

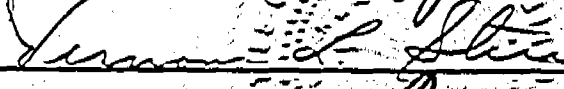
The Secretary is directed to cause service of certified copies of this order to be made upon Thomas R. Travers and H & H Moving & Storage, Inc., or to mail certified copies thereof to them at their last known addresses as shown in the Commission's records.


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


Dated at San Francisco, California, this 28th day of October, 1975.



President








Commissioners

H & H Moving and Storage 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> |
|-----------------|-------------------------------------------------|
| Berkeley | 5,000 |

(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 the California Public Utilities Commission.

Decision No. 85064, Application No. 55316.