

ORIGINAL

Decision No. 85094

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of SOUTH COAST PACKING)
 COMPANY, INC., a corporation, to)
 transfer to BLUE ANCHOR, INC., a)
 certificate of public convenience)
 and necessity authorizing it to)
 operate a cold storage warehouse)
 in Los Angeles, California.)

Application No. 55890
 (Filed August 26, 1975)

OPINION AND ORDER

South Coast Packing Company, Inc., a California corporation, possesses a certificate of public convenience and necessity as a public utility warehouseman for the operation of storage or warehouse floor space at Los Angeles. By this application, it seeks authority to transfer, and Blue Anchor, Inc., a California corporation, to acquire the aforementioned operative right.

Blue Anchor, Inc., is an incorporated agricultural marketing cooperative existing under Chapter I, Division 20, of the California Food and Agricultural Code and has been engaged primarily in the marketing of fresh deciduous fruits within and without California. According to the application, applicant purchaser has the financial resources, experience and personnel to conduct the warehouse services involved. The cash consideration is \$4,000.

The certificate of service indicates that a copy of the application was mailed to Los Angeles Warehousemen's Conference of the Trucking Association on August 25, 1975. The application was listed on the Commission's Daily Calendar of August 28, 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 rea-

sonable 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 certificate presently held by South Coast Packing Company, Inc., and the issuance of a certificate in appendix form to Blue Anchor, Inc.

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

Blue Anchor, 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 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 March 1, 1976, South Coast Packing Company, Inc., a corporation, may transfer the operative right referred to in the application to Blue Anchor, Inc., a corporation.
2. Within thirty days after the transfer applicant 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. On or before the end of the third month after the transfer, the purchaser shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. 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 Blue Anchor, Inc., a corporation, authorizing it to operate as a public utility warehouseman, as defined in Section 239(c) 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. The certificate of public convenience and necessity granted by Decision No. 63370 is revoked effective 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 South Coast Packing Company, Inc., and Blue Anchor, Inc., 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 shall be twenty days after the date hereof.

Dated at San Francisco, California, this 12th day of November, 1975.

William J. Quinn President
Harold L. Sturgeon
Arnold R. Con
Commissioners

Commissioner Robert Batimovich, being necessarily absent, did not participate in the disposition of this proceeding.

Blue Anchor, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate storage or warehouse floor space as a public utility warehouseman, for the storage of commodities requiring temperature control but not requiring the maintenance of temperatures below 30 degrees Fahrenheit, as follows:

| <u>Location</u> | <u>Number of Square Feet of Floor Space</u> |
|-----------------|---|
| Los Angeles | 40,510 |

(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. 85094, Application No. 55890.