

Decision No. 85129**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
 of JERRY G. GOODWILL, an indivi- )  
 dual doing business as A-BEST )  
 ASSEMBLY & DISTRIBUTION WAREHOUSE )  
 (a) to purchase, and TORRANCE VAN )  
 & STORAGE COMPANY, a corporation, )  
 to sell, public utility warehouse )  
 authority pursuant to Section )  
 851, et. seq., and Section 1052 )  
 of the California Public Utili- )  
 ties Code, and on approval there- )  
 of; (b) to operate as a public )  
 warehouseman at Vernon, Cali- )  
 fornia; and (c) for authorization )  
 to cease operations at Torrance, )  
 California. )

Application No. 55935  
 (Filed September 12, 1975)

OPINION AND ORDER

Torrance Van & Storage Company, a California corporation, possesses a prescriptive operative right as a public utility warehouseman for the operation of storage or warehouse floor space at Torrance. By this application, it seeks authority to sell, and Jerry G. Goodwill, an individual doing business as A-Best Assembly & Distribution Warehouse, to purchase the aforementioned right. Applicant purchaser also requests authority to transfer said warehouse operation from Torrance to Vernon and to increase the authorized floor space from 15,000 square feet to 65,000 square feet.

Jerry G. Goodwill is the sole stockholder of G & H Transportation, Inc., which operates as a highway common carrier pursuant to a certificate of public convenience and necessity issued by Decision No. 83830. Applicant purchaser proposes to lease on a long-term basis certain real property with all appurtenances thereto

totaling approximately 65,000 square feet of space at Vernon and to adopt the warehouse tariff rates and rules of applicant seller. According to the application, applicant purchaser has the financial resources, experience and personnel to conduct the warehouse services involved. The cash consideration is \$6,500.00.

Copy of the application was mailed to Los Angeles Warehousemen's Association on or about September 2, 1975. The application was listed on the Commission's Daily Calendar of September 19, 1975. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that:

1. The proposed transfer would not be adverse to the public interest.
2. Public convenience and necessity no longer require applicant seller's operations as a public utility warehouseman in Torrance.
3. Public convenience and necessity require the services of applicant purchaser as a public utility warehouseman in 65,000 square feet of floor space in Vernon.
4. With reasonable certainty, the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that the application should be granted. 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 Torrance Van & Storage Company and the issuance of a certificate in appendix form to Jerry G. Goodwill.

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

Jerry G. Goodwill 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 April 1, 1976, Torrance Van & Storage Company, a corporation, may transfer the operative right referred to in the application to Jerry G. Goodwill.
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 he has adopted or established, as his 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. 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 Jerry G. Goodwill authorizing him 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. The prescriptive operative right as determined by the Commission's order dated August 9, 1960 in Case No. 6787 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.


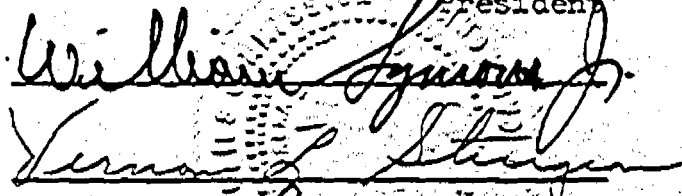

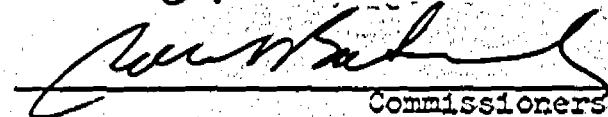
7. Purchaser shall maintain his accounting records in conformance with any applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission, and each year shall file with the Commission an annual report of his operations in such form, content, and number of copies 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 Torrance Van & Storage Company and Jerry G. Goodwill or to mail certified copies thereof to them at their known addresses as shown in the Commission's records and to mail a copy of this order to Western Motor Tariff Bureau, Inc., Agent.

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

Dated at San Francisco, California, this 18th day of  
November, 1975.

  
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President  
  
\_\_\_\_\_  
Vernon J. Sturgeon  
  
\_\_\_\_\_  
John H. Smith  
  
\_\_\_\_\_  
Commissioners

JERRY G. GOODWILL  
an individual  
doing business as  
A-BEST ASSEMBLY & DISTRIBUTION WAREHOUSE

Jerry G. Goodwill, 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 as defined in Section 239(b) of the Public Utilities Code for the operations of storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Vernon	65,000

(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. 85129, Application No. 55935.