

ORIGINAL

Decision No. 85210

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of UNITED STATES)
 COLD STORAGE OF CALIFORNIA for)
 authorization to abandon a)
 prescriptive operative right)
 as a public utility warehouse-)
 man.)

Application No. 56007
 (Filed October 16, 1975)

ORDER REVOKING WAREHOUSE OPERATIVE RIGHT

United States Cold Storage of California, a corporation, possesses a prescriptive operative right as a public utility warehouseman for the operation of storage or warehouse floor space at 1600 Donner Avenue, San Francisco. By this application, it requests authority to discontinue operations at this location.

Applicant states that it intends to sell its cold storage facilities at this location to David M. Sapp, Joyce M. Sapp and Jonathan W. Sapp, who currently operate Merchants Ice & Cold Storage Company (Old Merchants), a cold storage warehouse facility located at One Lombard Street, San Francisco. According to the application, the prospective purchasers own and control Merchants Ice and Cold Storage Corporation of San Francisco, a corporation (New Merchants).

Applicant avers that Old Merchants has been authorized by Decision No. 83500, as amended by Decision No. 85002, in Application No. 55136 to transfer its operative right covering its warehouse facilities at One Lombard Street, San Francisco, to New Merchants on or before December 31, 1975. Applicant alleges that, upon transfer of said operative right, New Merchants proposes to

operate its cold storage warehouse business at 1600 Donner Avenue, San Francisco, the location covered by the operative right herein involved. Applicant declares that, contingent upon the granting of the authority sought herein, it will sell the warehouse facilities involved to the aforementioned parties who will, in turn, lease such facilities to New Merchants. Applicant asserts that New Merchants will phase out its Lombard Street operation over a period of 6 to 8 months.

Applicant requests expedited action in this matter as it desires to sell the warehouse property by November 28, 1975, or as soon as possible thereafter.

In the circumstances, the Commission finds that revocation of the prescriptive operative right, as requested, would not be adverse to the public interest. A public hearing is not necessary. The Commission concludes that the operative right should be revoked and the tariff applicable to the services thereunder should be amended subject to the condition specified in the ensuing order.

IT IS ORDERED that:

1. The prescriptive operative right as a public utility warehouseman acquired by United States Cold Storage of California, by Decision No. 62584 dated September 19, 1961, in Application No. 43710, is hereby revoked concurrently with the date that the sale of the Donner Avenue facility by United States Cold Storage of California to David M. Sapp, Joyce M. Sapp and Jonathan W. Sapp is consummated or on the effective date of this order, whichever date is later.


2. Jack L. Dawson, Agent, is hereby authorized and directed to cancel the participation of United States Cold Storage of California from the tariff of California Warehouse Tariff Bureau on file with the Commission, subject to the conditions set forth

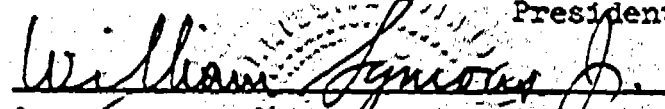
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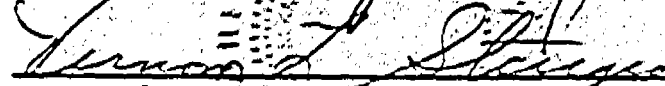
in Ordering Paragraph 1 hereof, such cancellation to be made within 90 days after the effective date of the revocation on not less than five days' notice to the Commission and to the public.


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

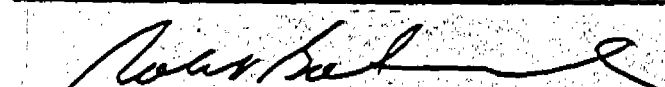
Dated at San Francisco, California, this 2nd day of December, 1975.



President








Commissioners