

Decision No. 85639**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of TRIANGLE COLD STORAGE)
 COMPANY, a California corpora-)
 tion, formerly known as TRIANGLE)
 FROZEN FOOD PRODUCTS CO., to)
 sell, and WILLIAM--AARON, INC.,)
 a California corporation, to)
 purchase, a public warehouse)
 prescriptive operative right in)
 the City of Los Angeles.)

Application No. 56220
 (Filed January 21, 1976)

OPINION AND ORDER

Triangle Cold 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 Bandini in Los Angeles County. By this application, it seeks authority to sell, and William--Aaron, Inc., a California corporation, to purchase the aforementioned operative right.

According to the application, applicant purchaser has the financial resources, experience and personnel to conduct the warehouse services involved. The cash consideration is \$50,000 for the purchase of the operative right and certain assets used in the operation of the cold storage facility.

The certificate of service indicates that a copy of the application was mailed to California Trucking Association on January 21, 1976. The application was listed on the Commission's Daily Calendar of January 29, 1976. 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 prescriptive operative right held by Triangle Cold Storage Company and the issuance of a certificate in appendix form to William--Aaron, Inc.

The authorization granted shall not be construed as a finding of the value of the right authorized to be transferred. William--Aaron, 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 August 1, 1976 Triangle Cold Storage Company may sell and transfer the operative right referred to in the application to William--Aaron, Inc.
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 61-Series. Failure to comply with the provisions of General Order 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 transferee 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 William--Aaron, Inc., 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.

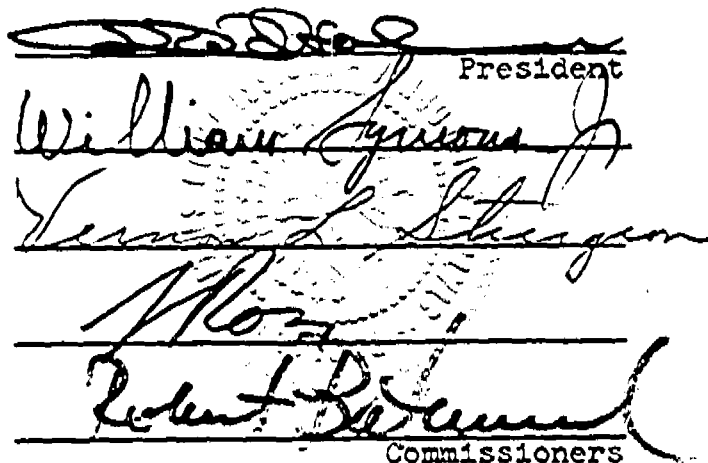
6. The prescriptive operative right as determined by the Commission's order dated August 23, 1960 in Case 6884 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. 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.

The Executive Director is directed to cause service of certified copies of the order to be made upon Triangle Cold Storage Company and William--Aaron, 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 30th day of March, 1976.



President
William L. Harrison

Vernon L. Sturgeon

Robert L. Brown
Commissioners

William--Aaron, Inc., a corporation, 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(c) 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>
City of Commerce	17,000

(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.

Decision 85639, Application 56220.