

ORIGINAL

Decision No. 85819

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of BLUE ANCHOR, INC.,)
 a corporation, to transfer to)
 MONTELEONE-MICHEL COMPANY, a cer-)
 tificate of public convenience)
 and necessity authorizing it to)
 operate a cold storage warehouse)
 in Los Angeles, California.)

Application No. 56184
 (Filed January 7, 1976)

OPINION AND ORDER

Blue Anchor, 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 Monteleone-Michel Company, 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. Monteleone-Michel Company is a wholly owned subsidiary of transferor and is actually operating the aforementioned warehouse facility. According to the application, applicant transferee has the financial resources, experience and personnel to conduct the warehouse services in question. No cash consideration is involved in the transfer of said operative right.

The certificate of service indicates that a copy of the application was mailed to Los Angeles Warehousemen's Conference of the Trucking Association on January 7, 1976. The application was listed on the Commission's Daily Calendar of January 16, 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 certificate presently held by Blue Anchor, Inc. and the issuance of a certificate in appendix form to Monteleone-Michel Company.

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

Monteleone-Michel Company 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 October 1, 1976, Blue Anchor, Inc., may transfer the operative right referred to in the application to Monteleone-Michel Company.
2. Within thirty days after the transfer transferee shall file with the Commission written acceptance of the certificate and a true copy of the 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. 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 Monteleone-Michel Company 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.

5. The certificate of public convenience and necessity granted by Decision 85094 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. 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 of the Commission shall cause service of certified copies of the order to be made upon Blue Anchor, Inc., and Monteleone-Michel Company, 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

A. 56184 - ANV

Jack L. Dawson, Agent.

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

Dated at San Francisco, California, this 11th day of
May, 1976.

William L. Dawson President
Vernon L. Sturgeon
Robert B. Bahr Commissioners

Monteleone-Michel Company, 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 85819, Application 56184.