

ORIGINAL

Decision No. 86110

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of SANTA CLARA COLD STORAGE AND)
FREEZER COMPANY, a corporation,)
for authorization to transfer,)
and of BERT C. TABOR to acquire,)
warehouse operating rights and)
properties at Santa Clara; and)
of BERT C. TABOR for authoriza-)
tion to lease such warehouse)
operating rights and properties)
to CCG REFRIGERATION, INC., a)
corporation.)

Application No. 56495
(Filed May 24, 1976)

OPINION AND ORDER

Santa Clara Cold Storage and Freezer Company, a California corporation, possesses a prescriptive operative right as a public utility warehouseman for the operation of storage or warehouse floor space at Santa Clara. By this application, it seeks authority to sell and transfer, and Bert C. Tabor, to purchase and acquire the aforementioned operative right and property. Bert C. Tabor requests authorization to lease said operative right and property to CCG Refrigeration, Inc., immediately after the involved transfer is consummated.

CCG Refrigeration, Inc., is engaged in business as a cold storage public utility warehouseman at Santa Clara. According to the application, applicant lessee has the financial resources, experience and personnel to conduct the warehouse services involved. The cash consideration is \$1,470,000.

The application was listed on the Commission's Daily Calendar of May 25, 1976. No objection to the granting of the application has been received.

After consideration, the Commission finds that the proposed transfer and lease of the operative right and property would not be adverse to the public interest. 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 Santa Clara Cold Storage and Freezer Company and the issuance of a certificate in appendix form to Bert C. Tabor. The Commission concludes that the effective date of this order should be the date hereof as the lessee desires to establish the service as soon as possible.

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

Bert C. Tabor 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 December 1, 1976, Santa Clara Cold Storage and Freezer Company may transfer the operative right and property referred to in the application to Bert C. Tabor.
2. Bert C. Tabor may lease the operative right and property referred to in the application to CCG Refrigeration, Inc., immediately after the consummation of the transfer described in paragraph 1.

3. Within thirty days after the transfer, the transferee shall file with the Commission written acceptance of the certificate and a true copy of the instrument of transfer.

4. CCG Refrigeration, Inc., 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.

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 4, a certificate of public convenience and necessity is granted to Bert C. Tabor authorizing him to operate as a public utility warehouseman, as defined in Section 239 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 July 26, 1960, in Case 6629 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 4.

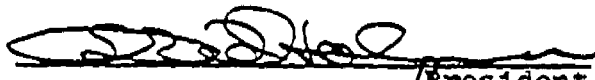
7. CCG Refrigeration, Inc., shall maintain its accounting records in conformance with any applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this

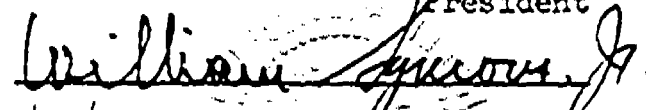

Commission and each year shall file with the Commission an annual report of its operations in such form, content and number of copies as the Commission, from time to time, shall prescribe.


The Executive Director of the Commission shall cause service of certified copies of the order to be made upon Santa Clara Cold Storage and Freezer Company, Bert C. Tabor and CCG Refrigeration, 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.

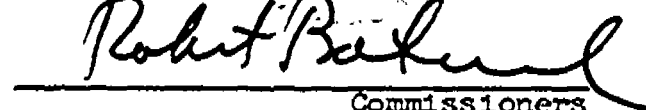
The effective date of this order is the date hereof.

Dated at San Francisco, California, this 13th day of July, 1976.



President







Commissioners

Bert C. Tabor, 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 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>
Santa Clara	48,000

(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 86110, Application 56495.