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ORIGINAL

Decision No. 86209

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of JERRY G. GOODWILL, doing)
business as A-BEST ASSEMBLY &)
DISTRIBUTION WAREHOUSE, for)
authority to transfer his public)
utility warehouseman certificate)
and related assets to A-BEST)
ASSEMBLY & DISTRIBUTION WAREHOUSE,)
INC., and of the latter for)
authority to issue capital stock.)

Application No. 56258
(Filed February 2, 1976)

OPINION AND ORDER

Jerry G. Goodwill, an individual, doing business as A-Best Assembly & Distribution Warehouse (transferor), possesses a certificate of public convenience and necessity for the operation of storage or warehouse floor space at Vernon. By this application, transferor seeks authority to transfer, and A-Best Assembly & Distribution Warehouse, Inc., a California corporation, to acquire the aforementioned operative right and warehouse property, and issue capital stock.

Transferor also controls G & H Transportation, Inc., a highway common carrier operating pursuant to a certificate of public convenience and necessity granted by Decision 83830, dated December 17, 1974 in Application 55143.

Transferee was incorporated on January 2, 1976, as a California corporation and is authorized by its Articles of Incorporation to issue 7500 shares of capital stock without nominal or par value. It has no shares of stock presently issued or outstanding, but by this application seeks authority to issue 30 shares of stock at an issue price of \$100 per share to Jerry G. Goodwill for cash to be used as working capital.

Transferee proposes to continue the operations as presently conducted by transferor using the properties concurrently acquired with the right to perform the services.

Copy of the application was mailed to Los Angeles Warehousemen's Conference, c/o California Trucking Association, Burlingame, on or about January 29, 1976. The application was listed on the Commission's Daily Calendar of February 6, 1976. 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. The proposed security issue is for proper purposes and the money, property, or labor to be procured or paid for by the issue of the security authorized by this decision is reasonably required for the purposes specified, which purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income.

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 certificate presently held by Jerry G. Goodwill and the issuance of a certificate in appendix form to A-Best Assembly & Distribution Warehouse, Inc.

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

A-Best Assembly & Distribution Warehouse, 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 December 1, 1976, Jerry G. Goodwill may transfer the operative right and property referred to in the application to A-Best Assembly & Distribution Warehouse, Inc.
2. Within thirty days after the transfer, 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. 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 A-Best Assembly & Distribution Warehouse, Inc., authorizing it 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.
5. The certificate of public convenience and necessity granted to Jerry G. Goodwill by Decision 85129, dated November 18, 1975, in

Application 55935, 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.

7. A-Best Assembly & Distribution Warehouse, Inc., on or after the effective date hereof and on or before January 1, 1977, for the purpose specified in this proceeding, may issue not exceeding 30 shares of its capital stock at a stated value of \$100 per share to Jerry G. Goodwill.

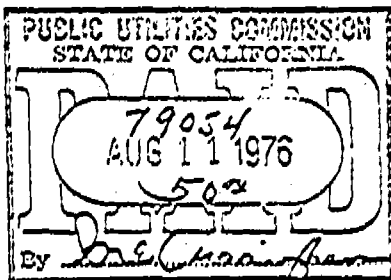
8. A-Best Assembly & Distribution Warehouse, Inc., shall file with the Commission the report required by General Order 24-B, which order, insofar as applicable, is hereby made a part of this order.

9. The authority granted by this order will become effective when A-Best Assembly & Distribution Warehouse, Inc., has paid the minimum fee prescribed by Section 1904.1 of the Public Utilities Code, which fee is \$50.

The Executive Director is directed to cause service of certified copies of the order to be made upon Jerry G. Goodwill and A-Best Assembly & Distribution Warehouse, 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 Western Motor Tariff Bureau, Inc., Agent.

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

Dated at San Francisco, California, this 3rd day of August, 1976.



[Signature] President
William J. [Signature]
[Signature]
[Signature]
Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.

A-Best Assembly & Distribution Warehouse, Inc., 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 86209, Application 56258.