

Decision No. 88240 DEC 13 1977

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of AMERICAN COMMERCIAL WAREHOUSE,)
 a corporation, for authority to)
 acquire a Certificate of Public)
 Convenience and Necessity and)
 PACIFIC COMMERCIAL WAREHOUSE,)
 INC., a corporation, to transfer)
 pursuant to Sections 851-854 of)
 the California Public Utilities)
 Code.)

Application No. 57550
 Filed September 1, 1977

O P I N I O N

Pacific Commercial Warehouse, Inc., a corporation (seller), requests authority to sell and transfer and American Commercial Warehouse, Inc., a corporation (purchaser), requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operation as a highway common carrier. The certificate was granted by Decision 55496 dated August 27, 1957 in Application 36361 and authorizes the transportation of general commodities subject to certain exceptions, in an area comprising most of Los Angeles County. The certificate was amended pursuant to Decision 74082 dated May 7, 1968 in Application 48547 which added trailer coaches and campers and integral parts thereof to the list of commodities which are excluded. Seller also operates pursuant to permits issued by this Commission. Disposition of these permits is not part of this transaction.

The purchaser proposes to purchase and acquire the highway common carrier certificate for Ten Thousand Dollars (\$10,000) payable in cash upon approval of the application by the Commission. The balance sheet of the purchaser, Exhibit C of the application, indicates a net worth of \$58,488.37.

Seller is a party to Western Motor Tariff Bureau, Agent, tariff publications to provide rates and rules for operations under the certificate to be transferred. Purchaser proposes to adopt these tariffs.

A copy of the application has been furnished to the California Trucking Association and notice of the filing of the application appeared in the Commission's Daily Calendar of September 6, 1977. The applicants request relief from the provision of the Commission's Rules of Practice and Procedure which require wide dissemination of the application. No protests to the application have been received.

After consideration, the Commission finds:

1. The proposed sale and transfer of the operating rights would not be adverse to the public interest.
2. The requested deviation from the Commission's Rules of Practice and Procedure should be authorized.

The Commission concludes that the application should be granted as set forth in the ensuing order. 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 held by Pacific Commercial Warehouse, Inc. and the issuance of a certificate in appendix form to American Commercial Warehouse, Inc.

Purchaser is placed on notice that operative rights, as such, do not constitute a class of property which may be used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State for the grant of such rights. Aside from their purely permissive aspect, such rights extend to a holder a full or partial monopoly of 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. The authorization granted shall not be construed as a finding of value of the rights authorized to be transferred.

O R D E R

1. On or before June 30, 1978, Pacific Commercial Warehouse, Inc., a corporation, may sell and transfer the operating rights referred to in the application to American Commercial Warehouse, Inc., a corporation.

2. Within thirty days after the transfer the purchaser 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. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the common carrier operations transferred to show that it has adopted or established, as its own, the 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 80-Series. Failure to comply with the provisions of General Order 80-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 American Commercial Warehouse, Inc., a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of the Public Utilities Code, between the points set forth in Appendix A, attached hereto and made a part hereof.

5. The certificate of public convenience and necessity granted by Decision 55496 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

6. Purchaser shall comply with the safety rules of the California Highway Patrol, and insurance requirements of the Commission's General Order 100-Series.

7. Purchaser shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before April 30 of each

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

8. Purchaser shall comply with the requirements of the Commission's General Order 84-Series for the transportation of collect on delivery shipments. If purchaser elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

9. The applicants are granted a deviation from the Commission's Rules of Practice and Procedure to the extent requested in the application.

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

San Francisco
Dated at _____, California, this 13th day
of DECEMBER, 1977.

Robert Bateman

President

William J. Quone

Vernon L. Sturgeon

Charles R. Chalk

David J. DeBrick

Commissioners

American Commerical Warehouse, Inc., a California corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of general commodities between all points and places within the following described area:

Beginning at the intersection of the westerly boundary line of the City of Los Angeles and the Pacific Ocean; thence northerly and easterly along said city boundary line to its first point of intersection with the southerly boundary line of Angeles National Forest; thence in a general easterly direction following the said National Forest boundary line to its intersection with the easterly boundary line of Los Angeles County; thence southerly, westerly and southwesterly along said county boundary line to the shoreline of the Pacific Ocean; thence northerly and westerly along said shoreline to the place of beginning.

LIMITATIONS: Applicant shall perform no transportation services under this certificate except

- (a) Shipments having origin or destination at a warehouse operated by applicant, or
- (b) Shipments which move for a shipper having an open warehouse storage account with applicant.

Except that pursuant to the authority herein granted carrier shall not transport any shipments of:

- 1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in salesmen's hand sample cases, suitcases,

Issued by California Public Utilities Commission.

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overnight or boston bags, brief cases, hat boxes, valises, traveling bags, trunks, lift vans, barrels, boxes, cartons, crates, cases, baskets, pails, kits, tubs, drums, bags (jute, cotton, burlap or gunny) or bundles (completely wrapped in jute, cotton, burlap, gunny, fibreboard, or straw matting).

2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis, freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.
4. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.
5. Commodities when transported in bulk in dump-type trucks or trailers or in hopper-type trucks or trailers.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
8. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment.

In performing the service herein authorized, carrier may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

(END OF APPENDIX A)