

Decision No. 89083 JUL 11 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of BOLAND TRUCKING CO., INC. for)
authority to acquire from STATE)
TERMINAL CO. LTD. a certificate)
of public convenience and neces-)
sity to operate as a public util-)
ity warehouseman.)

Application No. 58074
(Filed May 17, 1978)

OPINION AND ORDER

State Terminal Co., Ltd. possesses a certificate of public convenience and necessity to operate as a public utility warehouseman in 65,000 square feet of storage or warehouse floor space in the City of San Francisco. By this application, Boland Trucking Co., Inc. requests authority to purchase and acquire, and State Terminal Co., Ltd. requests authority to sell and transfer 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 \$1,000 for the purchase of the operative right and certain assets used in the operation of the facility.

The application was listed on the Commission's Daily Calendar of May 18, 1978. No objection to the granting of the application has been received. A copy of the application was mailed to the California Trucking Association on or about May 15, 1978.

After consideration, the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. It can be seen with certainty that there is no possibility that the activity in question may 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, the revocation of the operative right presently held by State Terminal Co., Ltd. and the issuance of a certificate in appendix form to Boland Trucking Co., Inc.

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

Boland Trucking Co., 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 canceled 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 September 1, 1978, State Terminal Co., Ltd. may sell and transfer and Boland Trucking Co., Inc. may purchase and acquire the operative right and property referred to in the application.
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 warehouse carrier operations transferred to show that they have adopted or established, as their 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 purchaser 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 Boland Trucking Co., 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.

6. The certificate of public convenience and necessity as determined by the Commission's order dated December 22, 1947, in Decision 41066 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

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 December 31 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.

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

Dated at San Francisco, California, this 11th
day of JULY, 1978.

Robert Batimuel
President

Richard D. Gould
Clair T. Schriber
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Boland Trucking Co., Inc., 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 (b) 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>
San Francisco	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 89083, Application 58074.