

Decision No. 90081 ! MAR 13 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of)

GEORGE LANGE, doing business)
under the fictitious name of)
STOCKTON WAREHOUSE AND DISTRIBUTION)
CENTER, an individual, to)
sell and transfer a certificate)
of public convenience and neces-)
sity authorizing service as a)
public utility warehouse in the)
City of Stockton, to FRANK C.)
ROBERTSON doing business as)
STOCKTON WAREHOUSE AND DISTRIBUTION)
CENTER.)

Application No. 58586
(Filed January 5, 1979)

OPINION AND ORDER

George Lange (Lange), an individual, doing business as Stockton Warehouse and Distribution Center,¹ requests authority to sell and transfer, and Frank C. Robertson (Robertson), an individual, who will be doing business as Stockton Warehouse and Distribution Center, requests authority to purchase and acquire a certificate of public convenience and necessity authorizing operations as a public utility warehouseman of 200,000 square feet of storage space at Stockton.

The cash consideration is \$3,000 for the purchase of said operative right.

George Lange is desirous of liquidating his long-standing business operation. For this reason, he proposes to enter into an agreement to sell and transfer his warehouse operative right to Robertson.

¹Certificate granted by Decision 80462 in Application 53386, dated August 31, 1972.

Robertson states he has been engaged in the warehouse business for a substantial number of years and, therefore, has the necessary experience to conduct the warehouse operation he intends to purchase from Lange.

According to the financial statements attached to the application, it appears that Robertson has the financial resources to conduct the warehouse services involved.

Robertson alleges that approval of this application will have no adverse effect upon existing warehouse operations as he intends to simply perpetuate the warehouse operations having been previously conducted by Lange. Approval of the application will also have no adverse effect upon the environment.

A copy of the application has been forwarded to the Los Angeles Warehousemen's Conference of the California Trucking Association and notice of the filing of the application appeared in the Commission's Daily Calendar of January 11, 1979. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that:

1. Public convenience and necessity require that the aforementioned operative right be purchased by and transferred to Frank C. Robertson, an individual, doing business as Stockton Warehouse and Distribution Center.
2. It can be seen with certainty that the proposed activity will not have a significant effect on the environment.
3. A public hearing is not necessary.
4. The order which follows will provide for revocation of the present certificate held by George Lange, an individual, doing business as Stockton Warehouse and Distribution Center, and the issuance in its place and stead of a new certificate to Frank C. Robertson, an individual, doing business as Stockton Warehouse and Distribution Center.

5. Frank C. Robertson 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. The Commission concludes that the application should be granted.

IT IS ORDERED that:

1. On or before June 15, 1979 George Lange, an individual, doing business as Stockton Warehouse and Distribution Center, may sell and transfer and Frank C. Robertson, an individual, who intends to do business as Stockton Warehouse and Distribution Center, 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 a 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 his own, such rates and rules. The tariff filings shall be made effective not earlier than one day after the effective date of this order on not less than one day's 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 Frank C. Robertson, an individual, doing business as Stockton Warehouse and Distribution Center, authorizing him 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 granted by Decision 80462 dated August 31, 1972, in Application 53386 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. Purchaser shall maintain his 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 March 31 of each year, an annual report of his operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

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

Dated at San Francisco, California, this 13th day of MARCH, 1979.

John E. Bunn
President
George L. Sturgeon
Charles D. Howell
Clair T. Pedrick
Arnold H. Binnick
Commissioners

Stockton Warehouse and Distribution Center

Frank C. Robertson, doing business as Stockton Warehouse and Distribution Center, 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>
Stockton	200,000

(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 90081 ; Application 58586.