

Decision No. 90677 AUG 14 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of PATTERSON WAREHOUSE COMPANY,
a California corporation, for
authorization to sell and
transfer, and of VERNALIS
WAREHOUSE, INC., a California
corporation, for authorization
to purchase and acquire a
prescriptive warehouse operative
right at Westley, California.

Application No. 58966
(Filed June 28, 1979)

O P I N I O N

Patterson Warehouse Company, a California corporation, presently providing service as a public utility warehouseman in Westley and vicinity and Patterson, Stanislaus County, requests authority to sell and transfer and Vernalis Warehouse, Inc., a California corporation, requests authority to purchase and acquire the certificate of public convenience and necessity and property relating to the Westley operation.

The Westley certificate was granted by Decision No. 89296 dated August 22, 1978 in Application No. 58221 and authorizes the storage of agricultural commodities in 45,200 square feet of warehouse space exclusive of the expansion permissible under Section 1051 of the Public Utilities Code. Included in the transfer is a one-story warehouse of frame and corrugated iron sheath construction, a leasehold interest in additional storage space near the main warehouse as well as four trucks and office equipment. The agreed cash consideration is \$525,000.

The officers, directors, and shareholders have had many years of experience in the processing and storage of beans, the principal commodity stored in the Westley warehouse. ✓

Notice of the application was published in the Commission's Daily Calendar on June 29, 1979. No protest has been received.

Because the next bean harvest will commence around September 1, 1979, it is requested that the Commission's order authorizing the transfer be made effective on the date of signing. According to applicants it would be extremely difficult and inconvenient if the transfer were to take place after part of the beans had been delivered to applicant seller.

Findings of Fact

1. After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. 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 seller and the issuance of a certificate in appendix form to purchaser.

2. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. The application should be granted as provided in the order which follows.

2. The order should be made effective the date of signing so that the transfer can be accomplished before the bean storage season commences.

O R D E R

IT IS ORDERED that:

1. Patterson Warehouse Company may sell and transfer the operative rights (and property) referred to in the application to Vernalis Warehouse, Inc. This authorization shall expire if not exercised by December 1, 1979, or within such additional time as may be authorized by the Commission.

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 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 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 No. 61-Series. Failure to comply with the provisions of General Order No. 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 Vernalis 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 and made a part hereof.

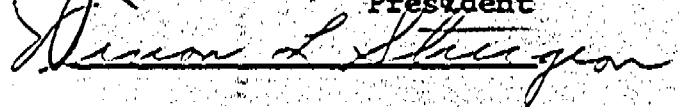
6. The certificate of public convenience and necessity granted to Patterson Warehouse, Inc. by Decision No. 89296, dated August 22, 1978, in Application No. 58221, is restated as set forth in Appendix B, attached and made a part hereof, effective concurrently with the effective date of the tariff filings required by paragraph 3.

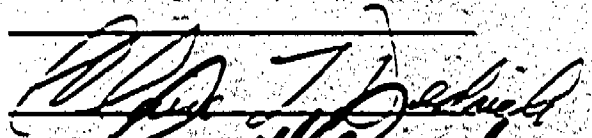
7. Purchaser shall maintain its accounting records in conformance with any applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission, and each year shall file with the Commission an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.


The effective date of this order is the date hereof.

Dated AUG 14 1979, at San Francisco, California.



President





Commissioners

Commissioner Richard D. Gravelle, being necessarily absent, did not participate in the disposition of this proceeding.

Vernalis Warehouse, 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>
Westley and Vicinity (Stanislaus County)	45,200

(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 90676, Application 58966.

Patterson Warehouse Company, 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>
Patterson	15,000

(The floor space shown is exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.)

(END OF APPENDIX B)

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