

Decision No. 91161 DEC 18 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of David S. Adams, David S. Adams, as Trustee of Trust U/W David Q. Adams, Deceased, William O. Adams, Nancy Adams Bloom, Elizabeth Adams Peabody, Thomas Nelson Dungan, David Q. Dungan, Marsha G. Stodghill, Elizabeth Adams McCandless (formerly Elizabeth Adams McClure), Marie-Luise Adams, Marie-Luise Adams as Trustee of Trust U/W W. W. Adams, Deceased, Margaret Adams Dallam, and Loralee S. Durkee, Transferors, for Authorization to Transfer,

Application No. 59234
(Filed October 24, 1979)

and of

David S. Adams, David S. Adams, as Trustee of Trust U/W David Q. Adams, Deceased, William O. Adams, Nancy Adams Bloom, Elizabeth Adams Peabody, Thomas Nelson Dungan, David Q. Dungan, Marsha G. Stodghill, Elizabeth Adams McCandless (formerly Elizabeth Adams McClure), Marie-Luise Adams, Marie-Luise Adams as Trustee of Trust U/W W.W. Adams, Deceased, and Margaret Adams Dallam, Transferees, for Authorization to Acquire Public Utility Warehouse Properties at Dunnigan and Woodland, California, and of said Transferees for Authorization to Issue a Promissory Note and Deed of Trust.

OPINION AND ORDER

Adams, Schwab & Adams Warehouse Co., a partnership consisting of thirteen partners, operates as a public utility warehouseman in bulk storage facilities at Dunnigan and Woodland under a prescriptive operative right determined by Decision 64940 dated February 13, 1963, in Application 45006.

By this application, two of the partners, William O. Adams and Nancy Adams Bloom, desire to purchase the interest of Lorelee S. Durkee, a third partner. It is asserted that the change in the ownership will not significantly affect the operations of the partnership. All of the current partners joined in the application and requested that the transfer be approved.

In addition, transferees request authorization to join in the issuance of their promissory note in the amount of \$600,000 due June 22, 1994, to Wells Fargo Bank to be secured by a deed of trust. The purposes of the loan are to refund present indebtedness of \$95,000 to Wells Fargo Bank and to provide working capital for transferees.

In the circumstances, the Commission finds that the proposed transfer and the issuance of a promissory note, as requested in the application, would not be adverse to the public interest. A public hearing is not necessary.

IT IS ORDERED that:

1. On or before March 1, 1980 Lorelee S. Durkee may sell and transfer, and William O. Adams and Nancy Adams Bloom may purchase and acquire the interest in the partnership of Adams, Schwab & Adams Warehouse Co. as described in Application 59234.
2. Within thirty days after the consummation of the transfer the purchasers shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.
3. Adams, Schwab & Adams Warehouse Co. shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the warehouse operations here involved to show that purchasers have adopted or established, as their own, said rates, rules and regulations. 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 consummation of the transfer herein authorized.

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.

4. Effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof, the operative right set forth in Decision 64940, dated February 13, 1963, is hereby revoked and, in place and stead thereof, a prescriptive operative right as a public utility warehouseman is stated for Adams, Schwab & Adams Warehouse Co., a partnership, as more particularly set forth in Appendix A attached hereto and by this reference made a part hereof.

5. Purchasers shall maintain their 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 their operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

6. Adams, Schwab & Adams Warehouse Co. may issue its promissory note in the amount of \$600,000 to Wells Fargo Bank in substantially the same form and for the same purposes specified in the application.

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

Dated DEC 18 1979, at San Francisco, California.

John E. Guyon
 President

James L. Sturgeon

Charles H. Howell

Chas. J. ...

Samuel ...
 Commissioners

David S. Adams, D. Q. Adams, W. W. Adams, Elizabeth Adams McCandless, Margaret Adams Dallam, Nancy Adams Bloom, Thomas Nelson Dungan, David Q. Dungan, Marsha G. Stodghill, William O. Adams, Elizabeth Adams Peabody and Marie-Luise Adams, doing business as Adams, Schwab & Adams Warehouse Co., possess a prescriptive operative right as a public utility warehouseman for the operation of storage or warehouse floor space as follows:

<u>Location</u>	<u>Capacity or Area</u>
Dunnigan	18,500 tons bulk storage capacity.
Woodland	36,000 tons bulk storage capacity.

(The floor space shown above is exclusive of the 50,000 square feet of expansion permissible under Section 1051 of the Public Utilities Code.)

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision 91161, Application 59234.