

Decision No. 26486.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

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ORIGINAL

In the Matter of the Application of
 J. C. ALLISON for a certificate of
 public convenience and necessity to
 operate a warehouse.

Application No. 14821.

Edgar A. Luce, for Applicant.

H. J. Bischoff, for Pioneer Truck and Storage
 Company and McClintock Storage Warehouse
 Company, Protestants.

BY THE COMMISSION:

O P I N I O N

The applicant has erected the first unit of a series of warehouses which he proposes to build on tide-land property leased from the City of San Diego. He undertook its construction without having first obtained from this Commission a certificate of public convenience and necessity, he being of the opinion that the City of San Diego was of less than one hundred and fifty thousand population and consequently that a certificate was not required. Subsequently this application for a certificate was filed and the question of jurisdiction waived. The Pioneer Truck and Storage Company and the McClintock Storage Warehouse Company protest the granting of the application, but have stipulated that the applicant may, while the proceeding is pending, accept for storage such goods as may be offered without solicitation.

The two units of applicant's warehouses for which he now seeks a certificate are of the class sometimes termed bulkhead warehouses, designed primarily for the storage of goods in transit by water carriers. They are one story in height, each having a floor area of about 30,000 square feet. They will have rail communication on one side and are located about 200 feet from the water's edge near the head of Pier No. 2.

The San Diego Board of Harbor Commissioners, the City Council and the Chamber of Commerce have given their unqualified endorsement to applicant's warehouse project. Surveys made by experts in their employ indicate that there is a possibility of greatly increasing the volume of commerce, particularly outgoing, through that port, and that warehouses at ships' side such as those proposed by applicant are a necessary part of such commercial development.

The protestants, on the other hand, contend that the project of the applicant will in no way aid in the development of the port, and that every warehouse need of the San Diego district is now fully met by their own buildings. The evidence introduced by the applicant, however, shows quite the contrary. Shipping experts testified that storage facilities close to the water's edge are a necessary adjunct to any port to make possible the economical accumulation of outbound tonnage and for storage pending distribution when inbound. Witnesses who themselves have commodities which they desire to ship by water testified that they would use applicant's facilities and deemed them absolutely essential. In fact, the applicant, under the stipulation offered by protestants, has already been offered and has stored in his

building some thirty thousand sacks of grain and beans as well as other commodities.

Mr. Allison is himself a large producer of cotton and is particularly well acquainted with the agricultural resources of the country tributary to San Diego, both in the United States and Mexico. His warehouse project was conceived primarily as an aid to the storage and shipping of his own goods, but the evidence conclusively shows that it will also meet the needs of others.

The protestants offer no objection to applicant storing cotton only. Such a limitation on his enterprise, however, would be directly contrary to the showing made as to the need of such facilities for the storing of all commodities which may be handled through the port of San Diego, both inward and outward bound. It may be that the warehouses of the protestants are only partially occupied and that they are operated without profit, but the function of this Commission is to determine what is for the general public good, not their individual advantage. The application will be granted.

ORDER

The above entitled application having been filed, a public hearing having been held, the matter submitted and now being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require that J. C. Allison transact the business of a warehouseman in the City of San Diego; and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity for such business be, and the same is hereby granted to J. C. Allison, subject to the following conditions:

1. Applicant shall file, in duplicate, within a period not to exceed twenty (20) days from the date hereof, tariff of rates, such tariff of rates to be those submitted with the application herein, or other rates satisfactory to the Railroad Commission, and shall commence operation of said service within a period of not to exceed thirty (30) days from the date hereof.
2. The rights and privileges herein authorized may not be discontinued, sold, leased, transferred nor assigned unless the written consent of the Railroad Commission to such discontinuance, sale, lease, transfer or assignment has first been secured.

Dated at San Francisco, California, this 16th day of November, 1928.

C. C. Seavey

Thos. D. Lewis

M. L. ...
Commissioners.