

Decision No. 35856.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 LYON VAN AND STORAGE COMPANY, a)
 corporation, for a certificate of)
 public convenience and necessity) Application No. 25104
 as a warehouseman for the purpose)
 of warehousing film.)

BY THE COMMISSION:

Appearances**ORIGINAL**

C.P. Von Herzen, for applicant
 C.G. Munson and Arlo D. Poe, for Los Angeles
 Warehousemen's Association, interested party.

O P I N I O N

By this application Lyon Van and Storage Company, a corporation, seeks a certificate of public convenience and necessity for the warehousing of film in Los Angeles.

The application was submitted at a public hearing held before Examiner Bryant at Los Angeles on September 16, 1942.

Applicant's general traffic manager testified that the hazardous nature of film from the standpoint of fire prevention and protection requires that special precautions be taken in its handling and storage. He stated that his company operates and maintains six storage vaults designed and constructed exclusively for the housing of this commodity, located on the roof of an eight-story building at 1080 North Cahuenga Boulevard, Los Angeles. Each vault is about nine feet square by ten feet high, and each stands separate from the others. The vaults are constructed of reinforced concrete with walls about one foot in thickness, are equipped with vents at top and bottom and with closely-spaced automatic sprinklers fed under high water pressure, and are furnished with non-combustible racks for the storage of film either on reels or in approved containers. The original cost of constructing the six vaults was estimated to have been \$21,000.

¹ There was introduced in evidence a copy of a Los Angeles City Ordinance (Section 57.21 of the Municipal Code) which, in the interest of fire protection and prevention, places various restrictions on the storage and handling of film.

The witness stated that the vaults were acquired by applicant in 1928, and have been devoted to the storage of film continuously since that time. On the date of the hearing there were about 30 patrons using these facilities, most but not all of whom were commercial producers and exhibitors of motion pictures. The witness declared that to the best of his knowledge there was no certificated public utility warehouse in the City of Los Angeles which had facilities for the commercial storing of film or which held itself out as equipped to accept such storage.

The president of Lyon Van and Storage Company testified that his company had been conducting the film storage here described without important change since 1928, and that the same vaults had been used by a predecessor for the same purpose for six years previously. He explained that his company had assumed until recently, that because of the limited and specialized nature of the operation no certificate from this Commission was necessary.

No one protested the granting of this application.

The record shows that the special facilities offered by applicant for the storage of film have been utilized by a considerable number of individuals and companies in Los Angeles, and that this particular type of storage is not available through other certificated warehousemen in the city. Applicant is ready and willing to continue this service to the public, and has the equipment and experience necessary to conduct the operation in a satisfactory manner. The record is persuasive that public convenience and necessity require that the operation be continued.

O R D E R

Lyon Van and Storage Company having made application as above entitled, public hearing having been had, evidence received, the matter submitted and the Commission now being fully advised:

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA hereby declares that public convenience and necessity require the operation

by Lyon Van and Storage Company of not to exceed 1000 square feet of floor space at 1080 North Cahuenga Boulevard, Los Angeles, for the handling and storage of film as a warehouseman, subject to the restrictions and conditions hereinafter provided, and

IT IS HEREBY ORDERED that a certificate of public convenience and necessity therefor be and it is hereby granted to Lyon Van and Storage Company, subject to the following conditions:

1. The authority herein granted shall lapse and be void if applicant shall fail to file a written acceptance of the certificate herein granted within thirty (30) days from the date hereof.

2. Applicant shall promptly file a tariff published in accordance with the rules of this Commission showing the rates, charges, and conditions applicable to the warehousing service.

3. 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 obtained.

4. Lyon Van and Storage Company, its successors or assigns, may never claim before this Commission, or before any court or other public body, a value for the certificate hereby granted in excess of the actual cost thereof.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 13th day of October, 1942.

Justin P. Casper

W. G. B. Smith

Francis X. Havenner

Richard R. Ketchum

Commissioners.