

Decision No. 36961

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of A.B.C. TRANSFER & STORAGE)
COMPANY, INC. for a Certificate)
of Public Convenience and Necessity) Application No. 25983
authorizing it to increase its)
storage space within the City and)
County of San Francisco, California.)

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER

Applicant is a public utility warehouseman operating in the City and County of San Francisco. It seeks a certificate of public convenience and necessity authorizing it to increase its warehouse floor space by 75,000 square feet. The use of this space is proposed to be restricted to the storage of (1) property for the United States Government and (2) other property for transshipment to foreign ports or Atlantic Coast ports of the United States which is held at San Francisco because vessel space is not available. The authority is sought only for the duration of the war and six months thereafter or such other length of time as the Commission may deem proper.

The verified application discloses that a temporary demand for additional warehouse storage space in San Francisco has been brought about by the exigencies of the war; that various branches of the United States Government have called upon applicant for storage service; that there is considerable transshipment traffic which requires storage until vessel space is available; and that these demands coupled with the demands of other storers cannot be met without enlargement of applicant's storage space.

The Warehousemen's Association of the Port of San Francisco and other interested parties have advised the Commission in writing that, under the circumstances, they have no objection to the granting of the sought authority.

It appears that this is a matter in which a public hearing is not necessary and that the application should be granted. This authorization will be substantially similar to those granted other warehousemen in Application No. 22695 and related proceedings which are scheduled to expire December 31, 1944, unless sooner canceled, changed, or extended and it will be made subject to like conditions.

A.B.C. Transfer & Storage Company, Inc., is placed upon 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, they extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be changed or destroyed at any time by the state, which is not in any respect limited to the number of rights which may be given.

Therefore, good cause appearing,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY DECLARES that public convenience and necessity require the temporary establishment and operation of additional warehouse space by A.B.C. Transfer & Storage Company, Inc., said additional space to be composed of 75,000 square feet situated in the City and County of San

Francisco and to be used exclusively (1) for the storage of property for the United States Government and (2) for the storage of property for transshipment to foreign ports or ports along the Atlantic Coast of the United States and stored at San Francisco because vessel space is not available; and

IT IS HEREBY ORDERED:

1. That a certificate of public convenience and necessity therefor be and it is hereby granted to said A.B.C. Transfer & Storage Company, Inc.
2. That the rights and privileges herein authorized shall expire on December 31, 1944, unless sooner canceled, changed or extended by appropriate order of the Commission.
3. That the certificate herein granted may not be sold, leased, transferred or assigned without the written consent of the Commission.
4. That the authority herein granted is subject to the provisions of Section 52(b) of the Public Utilities Act and further to the condition that A.B.C. Transfer & Storage Company, Inc., its successors or assigns, shall never claim before this Commission, or any court or other public body, a value for the operative right herein granted or claim as the cost thereof an amount in excess of that paid to the state as the consideration for such right.
5. That applicant shall file a written acceptance of the certificate herein granted within thirty (30) days from the effective date of the order.

This order shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 28th day of March, 1944.

Richard Lachse
Justin J. Calvey
Francis R. Havenner
Frank W. [unclear]
James O. [unclear]
Commissioners