ORIGINAL

Decision No. 39169

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of HASLETT WAREHOUSE COMPANY for certificate of public convenience and necessity to operate cold storage warehouse service in the City and County of San Francisco, State of California.

Application No. 27614

OPINION AND ORDER

By this application Haslett Warehouse Company, a public utility warehouseman, seeks a certificate of public convenience and necessity to operate 650,000 cubic feet of cooler room cold storage space in San Francisco as a public utility warehouse. The property is owned by the Board of State Harbor Commissioners and is situated at Pier No. 56.

The verified application shows that there is a procsing need for cold storage space in San Francisco to care for some 1,413,000 boxes of cannery fruit requiring this service. The Board of State Harbor Commissioners urges that the cold storage operations be placed in effect by July 1, 1946, in order to meet the existing emergency and demands of the storing public.

Generally, the rates proposed to be assessed are those named in California Warehouse Tariff Bureau Cold Storage Warehouse Tariff No. 5-B, C.R.C. No. 85, of Agent L. A. Bailey, applicable in San Francisco and Oakland. Applicant proposes to limit the storage of other than export commodities to the extent necessary to assure that adequate space will be available for the storage of commodities requiring shipside cold storage facilities during the export shipping season and to exclude accordingly the application of the season storage rates named in the aforementioned tariff in so far as its operations at Pier 56 are concerned.

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Competing warehousemen have been notified of the application and have no objections to its being granted. A public hearing is not necessary. We are of the opinion and find that public convenience and necessity require that the application be granted. A certificate will be issued accordingly.

Haslett Warehouse Company is hereby 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,

IT IS HEREBY ORDERED:

(1) That a certificate of public convenience and necessity be and it is hereby granted to Haslett Warehouse Company, a corporation, authorizing the operation of not to exceed 650,000 cubic feet of cold storage warehouse space at Pier 56 in the City of San Francisco for the handling of any and all commodities which may require refrigeration while being stored.

(2) 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 Haslett Warehouse Company, 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.

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IT IS HEREBY FURTHER ORDERED that in providing service pursuant to the certificate herein granted applicant shall comply with the following service regulations:

- (a) Applicant shall file a written acceptance of
- (30) days from the effective date of this order.
- (b) Within thirty (30) days of the effective date of this order and on not less than one (1) day's notice to the Commission and to the public, and concurrently with the establishment of said business applicant shall file a tariff or tariffs constructed in accordance with the requirements of the Commission's General Order No. 61 and containing rates, rules and regulations satis-factory to the Commission.

The effective date of this order shall be the date hereof. Dated at San Francisco, California, this day of

July, 1946.

Commissioners