

ORIGINAL

Decision No. 46674

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Bekins Van Lines, Inc., a corporation,)
for a certificate of public convenience) Application No. 32996
and necessity to operate the business)
of a warehouseman in Oakland.)

OPINION AND ORDER

Bekins Van Lines, Inc., operates as a public warehouseman in various cities throughout the State. By this application it seeks a certificate of public convenience and necessity authorizing it to operate 5,000 square feet of storage space at each of two locations in Oakland.

The verified application shows that numerous storers require public warehouse service involving so-called "split lots" or "divided lots" to be distributed from several cities; that such requirements are not completely and satisfactorily met when the storers must rely on different warehousemen in each city; that interested storers are using applicant's service at other cities; and that they have requested it to make similar service also available to them at Oakland. The application also shows that warehouse space would be leased from applicant's affiliate, Bekins Van and Storage Company, which has unoccupied space available; that the proposed facilities are served by spur tracks, which are necessary to efficient and economical operations; and that applicant's nearest warehouse at Berkeley is not on a spur track, not as conveniently located, and not suitable for supplying the type of service required.

The rates proposed to be charged by applicant are the same as those applicable at its Berkeley warehouse.

Competing warehousemen have been advised of the filing of this application and have stated that they do not object to its being granted.

It appears that this is a matter in which a public hearing is not necessary; and that there is a need for the proposed additional public utility warehouse facilities in Oakland. We find that public convenience and necessity require the establishment and operation by the applicant of public utility warehouses to the extent set forth in the ensuing order.

Bekins Van Lines, Inc., 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 that a certificate of public convenience and necessity be and it is hereby granted to Bekins Van Lines, Inc., a corporation, authorizing the establishment and operation of service as a warehouseman, as defined in Section 239(b) of the Public Utilities Code, at 2227 San Pablo Avenue and at 1375 East 8th Street, both in Oakland, and limited to not more than 5,000 square feet of warehouse floor space at each location.

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

1. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty (30) days after the effective date hereof.

2. Within ninety (90) days after the effective date hereof and on not less than five (5) days' notice to the Commission and to the public, applicant shall establish the service herein authorized and comply with the provisions of General Order No. 61, by filing in duplicate and concurrently making effective appropriate tariffs.

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

Dated at San Francisco, California, this 22nd day of January, 1952.

A. J. [Signature]
President
Justus F. [Signature]
Harold A. [Signature]
[Signature]

Commissioners

Commissioner Kenneth Potter, being necessarily absent, did not participate in the disposition of this proceeding.