

ORIGINALDecision No. 49241

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Application)
of Donald C. White, doing business)
as White Portable Compress Company,)
for a certificate to operate a)
warehouse in Oakland under the)
provisions of Section 1051 of the)
Public Utilities Code.)

Application No. 34794

OPINION AND ORDER

Applicant, Donald C. White, doing business as White Portable Compress Company, requests authority to operate a warehouse for the storage and handling of cotton at Terminal Building C, Outer Harbor, Port of Oakland, Oakland, California.

Applicant proposes to operate a warehouse leased from the Port of Oakland. The building is a two story, reinforced concrete building with approximately 127,000 square feet of floor space. It is alleged that the building is equipped with sprinkler facilities and is available to means of transportation being situated on a Southern Pacific Company rail spur in addition to having docks for the purpose of loading and unloading trucks. Present storage capacity is 15,000 bales of cotton or cotton lintens; however, it is stated that a proposed fire wall on each floor of the building will increase the capacity to 30,000 bales. Applicant appears to be financially able to provide the service as proposed.

In justification for the authority sought it is alleged that, due to an extreme lack of storage space for cotton in California, there exists a strong demand for the service herein considered. The Commission is in receipt of a letter to the effect that parties of interest would have no protest to the authority sought.

After consideration the Commission is of the opinion and so finds that public convenience and necessity require the granting of the application. A public hearing does not appear to be necessary.

Donald C. White 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 over a particular route. 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.

O R D E R

Application having been filed, the Commission being informed in the premises and it having been found that public convenience and necessity so require,

IT IS HEREBY ORDERED:

1. That a certificate of public convenience and necessity is hereby granted to Donald C. White authorizing the establishment and operation of service as a warehouseman as defined in Section 239(b) of the Public Utilities Code, of not to exceed 127,000 square feet of storage warehouse floor space at Terminal Building C, Outer Harbor, Port of Oakland, Oakland, for the handling of cotton and cotton linters in bales.

2. That in proving service pursuant to the certificate herein granted applicant shall comply with and observe the following service regulations:

- a. Applicant shall file a written acceptance of the certificate herein granted within a period of not to exceed thirty days after the effective date hereof.
- b. Within ninety days after the effective date hereof and on not less than five 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.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Angeles, California, this 27th day of October, 1953.

A. B. Anderson
President

Justus J. Campbell

Frederick J. Pottel

John E. White

Gene Higgins
Commissioners