

ORIGINAL

Decision No. 50649

BEFORE THE PUBLIC-UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
DREISBACH COLD STORAGE CO., a corporation,
for a certificate of public convenience
and necessity authorizing it to operate a
cold storage warehouse in Oakland,
California.

Application No. 35774

O P I N I O N

By its application filed September 13, 1954, Dreisbach Cold Storage Co., a corporation, seeks a certificate of public convenience and necessity to operate 26,464 square feet of cold storage warehouse space in the City of Oakland.

Applicant proposes to operate as a public utility warehouseman the space shown on Exhibit A attached to the application. Warehouses Nos. 1, 2 and 4 as shown on Exhibit A are owned by applicant. Warehouse No. 3 as shown is leased from applicant's president who will also lease to applicant warehouse No. 5 when constructed.

Applicant proposes to become a party to Cold Storage Warehouse Tariffs Nos. 6-C and 12 and Quick Freeze Warehouse Tariff No. 1-A, Cal. P.U.C. Nos. 153, 87 (L. A. Bailey series) and 154 of Jack L. Dawson, agent.

Applicant's facilities are located near the East Shore Freeway and are provided with a spur track of the Southern Pacific Company. It proposes to render a general cold storage warehouse business in said space. All classes of commodities which may require cold storage or freezer storage will be handled.

Holly Cold Storage Company, Haslett Warehouse Company, National Ice and Cold Storage Company and Union Ice and Storage Company, public warehouse companies with which applicant is likely to compete, have notified the Commission by letters that they have no objection to the granting of the application.

After considering the matter the Commission is of the opinion that public convenience and necessity require the granting of the authority sought.

A public hearing does not seem to be necessary.

Applicant 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 having been informed in the premises,

IT IS ORDERED that a certificate of public convenience and necessity is hereby granted to Dreisbach Cold Storage Co. authorizing the establishment and operation of service as a warehouseman, as defined in Section 239(b) of the Public Utilities Code, at Oakland and limited to 26,464 square feet of cold storage warehouse space.

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 days after the effective date hereof.
2. 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 triplicate and concurrently making effective appropriate tariffs.

The effective date of this order shall be 20 days after the date hereof.

Dated at San Francisco, California, this 13th day of October, 1954.

John E. Washburn
PRESIDENT

Justice J. Calverly

Deane Higgins

Roy G. Hutcheson

COMMISSIONERS