

ORIGINAL

Decision No. 50790

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application)	
of CLIFFORD W. HOLMES for authority)	
to construct and certificate of)	Application No. 35692
public convenience and necessity)	
to operate a public warehouse.)	
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Wallace Trau for applicant. Jackson W. Kendall for Bekins Van Lines, Inc. and Bekins Van & Storage Co.; Robert V. Case and V. D. Slocum for Slocum Van & Storage Co.; David Rasky for Burbank Refrigerating Co.; Harlan J. Nissen for Terminal Refrigerating Company; W. E. McClanahan for Union Ice and Storage Co.; protestants. Irving W. Hamilton and W. H. Tyler for Los Angeles Warehousemen's Association, interested party. Norman Haley of the Commission's staff.

O P I N I O N

Applicant seeks authority to engage in business in San Fernando Valley, as a warehouseman, as defined in Section 239 (b) of the Public Utilities Code.

A public hearing was held at Los Angeles before Examiner Mark V. Chiesa on October 26, 1954.

Applicant proposes to operate a general commercial warehouse at 7510 Hazeltine Avenue in the Van Nuys area of the City of Los Angeles. He is now conducting a heating and ventilating business at said address. He testified that he owns real property at said address and that he proposes to erect a two-story concrete block or brick building, approximately 100 feet by 239 feet, containing the necessary equipment and facilities for cold storage and general warehousing. It was not shown that any work has been done on the proposed warehouse building, nor that any binding agreement for its construction has been entered into. Applicant has had

experience in the warehousing business in the east. Financial statements filed with the application show that as of April 30, 1954, applicant had a net tangible worth of \$79,946.40. Applicant stated that in his opinion there is a public need for the proposed warehouse; that he has discussed the storage of merchandise with several prospective customers who said that they would give him their business; that in the operation of his present business he has experienced a lack of adequate storage facilities in the San Fernando Valley.

Two witnesses were called by applicant. One will be employed in a managerial capacity if the warehouse business is established. This witness testified concerning his warehousing experience, principally as a storer, and gave his opinion that business conditions in the San Fernando Valley justify the establishment of additional warehouse facilities. The second witness is employed as a secretary at the Van Nuys Chamber of Commerce. She testified that numerous inquiries have been received by the Chamber of Commerce concerning warehousing facilities and available storage space in said area.

Five witnesses testified in behalf of the protestants. Briefly, their testimony shows that Bekins Van Lines, Inc., has two warehouses in the San Fernando Valley and that there now is space available for public storage at each location; that Slocum Van & Storage Co., also has a warehouse in said valley with available storage space; that Burbank Refrigerating Company operates a large cold storage plant in Burbank and it is now, in peak season, only 70 per cent occupied; that Union Ice & Storage Co., has two large plants in Los Angeles, each with available space; that said protestants employ solicitors for their warehouse business, and that they are able and willing to supply the public's present needs for storage facilities.

We have not discussed the testimony in detail as we are of the opinion and find that applicant has not presented substantial evidence that public convenience and necessity require the transaction of business by him as a warehouseman. No public witnesses were called. Although applicant offered some information concerning the size, growth, and population of the San Fernando Valley, we cannot accept such showing and the statements of applicant's witnesses as evidence that there exists an actual need for additional storage facilities, particularly in view of the testimony of the protesting witnesses.

Having considered the evidence of record, the Commission is of the opinion and finds that public convenience and necessity do not require the transaction of a warehouse business as herein proposed by applicant and, therefore, the application will be denied.

O R D E R

Application having been made, the Commission being fully advised in the premises and having found and concluded as above set forth,

IT IS ORDERED that the application of Clifford W. Holmes, Application No. 35692, be and it hereby is denied.

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

Dated at San Francisco, California, this 23rd day of NOVEMBER, 1954.

John E. Mitchell
President
Justin J. Cipriani
James J. Higgins
Ralph L. ...

Commissioners