

Decision No. 53580

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SIGNAL TRUCKING SERVICE, LTD., a corpo-
ration, for a certificate authorizing
an addition to and extension of a
public warehouse.

Application No. 37775

Edward M. Berol, for applicant.
John F. Specht, for the Commission's Staff.

O P I N I O N

A public hearing was held in this matter in Los Angeles before Examiner Mark V. Chiesa. Oral and documentary evidence having been adduced, the matter was submitted for decision.

Applicant now operates a public warehouse at 314 North Marine Avenue in the Wilmington District of the City of Los Angeles. Originally this was a prescriptive right which was transferred to applicant by authority of this Commission in Decision No. 44148, on Application No. 30967.^{1/} The floor space authorized was 12,000 square feet which has been increased by applicant to 62,000 square feet, pursuant to the provisions of Section 1051 of the Public Utilities Code.

Applicant seeks to increase said floor space an additional 9,500 square feet. Applicant has adequate facilities at the present warehouse which it has leased until 1963. Applicant is also engaged

^{1/} See also Decision No. 42124.

in the transportation of property as a highway common carrier and as a permitted carrier, and maintains another public warehouse in Vernon. It is financially able to provide a public warehouse service as proposed and several witnesses, representing large manufacturing companies, testified that there is a need for additional public warehouse storage space where applicant's facility is located.

An officer of applicant testified that the present authorized available storage space is occupied and that there is a demand for additional space. Applicant is profitably operating its transportation and warehouse businesses.

The application was not opposed.

The Commission is of the opinion and finds that there is a public need for the additional 9,500 square feet of storage space and therefor the application will be granted upon the condition that no further increase in storage or warehouse space shall be made at the said address, without a certificate from this Commission declaring that public convenience and necessity so require.

The Signal Trucking Service, Ltd., is hereby placed on 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 as to the number of rights which may be given.

O R D E R

A public hearing having been held, the Commission being fully advised in the premises, and having found that public convenience

and necessity so require,

IT IS ORDERED:

(1) That a certificate of public convenience and necessity be, and it hereby is, granted to Signal Trucking Service, Ltd., a California corporation, authorizing it to establish and operate a business as a warehouseman, as defined in subdivision (b) of Section 239 of the Public Utilities Code, for an additional 9,500 square feet of storage warehouse floor space at 315 North Marine Avenue in the Wilmington District of the City of Los Angeles, subject to the following condition:

That applicant shall not add to, extend, or otherwise increase its storage or warehouse floor space at said address, without first having obtained from this Commission a certificate declaring that public convenience and necessity require such addition or extension or increase of such storage or warehouse floor space.

(2) That in providing service pursuant to the certificate herein granted applicant shall comply with and observe the following service regulations:

- (a) Applicants 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, applicants 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.

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

Dated at San Francisco, California, this 7th day of August, 1956.

[Signature] President
[Signature]
[Signature]
[Signature]

Commissioner Ray E. Untereiner, being necessarily absent, did not participate in the disposition of this proceeding.