

ORIGINAL

Decision No. 61360

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)

B-LO COLD STORAGE CO.)

Application No. 42651

For a Certificate of Public Convenience)
and Necessity, authorizing it to operate)
a Cold Storage Warehouse in the City of)
Los Angeles, County of Los Angeles,)
State of California.)

Reed E. Callister, Bert Boyajian, and C. W. L'Ecluse,
for applicant.
Gordon, Knapp, Gill & Hibbert, by Wyman C. Knapp,
for Terminal Refrigerating Co., National
Storage Company, Union Ice & Storage Co., and
Los Angeles Cold Storage Co., interested
parties.

O P I N I O N

Applicant is a California corporation having its principal place of business at 616 South Stanford Avenue, Los Angeles, California. A certified copy of the Articles of Incorporation of applicant is attached to the petition on file. A certificate of public convenience and necessity is requested herein authorizing the applicant to engage in the business of a public utility cold storage warehouseman at said address in Los Angeles, utilizing not to exceed 14,000 square feet of floor space.

A public hearing was held in Los Angeles on November 21, 1960, before Examiner Robert D. DeWolf, at which time evidence was adduced and the matter submitted.

The following parties protested: Terminal Refrigerating Co., National Storage Company, Union Ice & Storage Co., and Los Angeles Cold Storage Co. The applicant filed an amendment to the application pursuant to a stipulation with the protesting parties limiting the floor space of the cold storage warehouse applied for to 14,000 feet. Protesting parties then withdrew their protest and remained as interested parties but offered no evidence and made no cross-examination of any of the witnesses.

A director and a manager of the applicant company testified that the B-Lo Cold Storage Co., has constructed warehouse facilities of 7,000 square feet and has plans for construction of an additional 7,000 square feet of floor space. The applicant proposes a specialized service as cold storage warehouseman, and each of said officers of the company testified to more than 10 years experience in the cold storage warehouse business.

Six public witnesses, food brokers or users of frozen food warehousing, testified that they would use the service offered by applicant, and that there was need for additional cold storage facilities proposed to be offered by applicant.

Applicant offered a list of thirty-one frozen food dealers and users who would also testify that they would use the proposed service and the Pacific States Cold Storage Warehousemen's Association was notified of the hearing.

Upon consideration of all of the evidence adduced herein, the Commission finds that applicant is qualified to provide the proposed service and that public convenience and necessity require that the application be granted to the extent set forth in the ensuing order.

B-Lo Cold Storage Co., 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, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled 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

Application as above-entitled having been filed, a public hearing having been held thereon, and the Commission being fully advised in the premises and hereby finding that public convenience and necessity so require,

IT IS ORDERED:

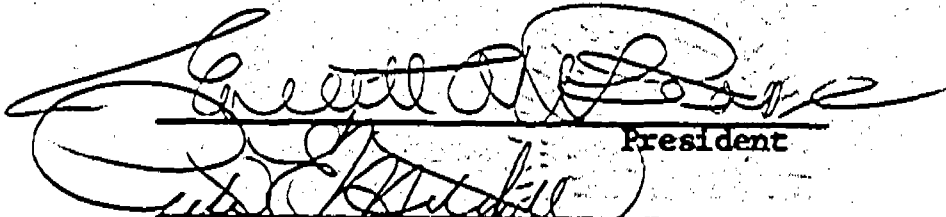
1. That a certificate of public convenience and necessity is hereby granted to B-Lo Cold Storage Co., a corporation, authorizing it to operate as a public utility warehouseman, as defined in Section 239(b) of the Public Utilities Code, in the operation of storage or warehouse floor space as more particularly set forth in Appendix A attached hereto and made a part hereof.

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

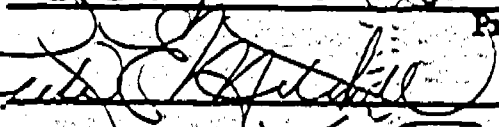
- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual reports of its operations. Failure to file such reports, in such form and at such time as the Commission may direct, may result in a cancellation of the public utility warehouse operations authorized by this decision.
- (b) Within one hundred twenty days after the effective date hereof, and on not less than ten days' notice to the Commission and the public, applicant shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.


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

Dated at San Francisco, California, this 17th day of January, 1961.



 President





 Commissioners

APPENDIX A TO DECISION NO. 61360

DATED JAN 17 1961, IN APPLICATION NO. 42651.

B-Lo Cold Storage Co., a corporation, is authorized to operate as a public utility warehouseman for the operation of cold storage warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
616 South Stanford Avenue, City of Los Angeles	14,000

(End of Appendix A)