

**ORIGINAL**Decision No. 61961

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 M AND M TRANSFER COMPANY, a  
 California corporation, for a certi-  
 ficate of public convenience and  
 necessity to operate the business of  
 a warehouseman.

Application No. 43032

Charlton A. Mewborn, for applicant.  
Carl F. Peters, for Los Angeles Ware-  
 housemen's Association, interested  
 party.  
Carl Blaubach, for the Commission staff.

O P I N I O N

This application was filed on December 30, 1960. Applicant seeks a public utility warehouseman's certificate. Public hearing was held before Examiner John Power at Los Angeles on April 4, 1961 and the matter was submitted.

Applicant's president and three public witnesses testified in support of the application. The public witnesses included the manager of the Torrance Chamber of Commerce and two representatives of manufacturing concerns who have stored with the applicant. Representatives of a warehousemen's association and of the Commission staff assisted in developing the record.

This testimony indicates that an abnormal population increase in Torrance had been paralleled by an equal or greater industrial expansion. There are public warehouse facilities available at Wilmington and Long Beach but use of such facilities would increase drayage charges and, hence, the cost of manufacturing. This result is due to the greater distance.

The two storing witnesses were familiar with applicant's services which they had each used for four years or more. They had found it satisfactory.

Exhibit A to the application shows about 150,000 square feet of warehouse floor space in eleven buildings under operation by applicant. It appears, however, that some had been released by the hearing date and that 67,600 square feet is the applicant's basic establishment. The following order will conform to this.

The Commission finds that public convenience and necessity require that a certificate be granted to the applicant as provided by the following order.

Applicant's finances (as revealed in Exhibit D to the application), experience and facilities appear to be adequate for the purposes of the application.

M and M Transfer Company 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 in a particular location. 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

An application having been filed, a public hearing having been held and based on the evidence therein adduced,

IT IS ORDERED that:

1. A certificate of public convenience and necessity be and it is granted to M and M Transfer Company, a corporation, authorizing it to operate as a public utility warehouseman, as defined in Section 239(b) of the Public Utilities Code, in the location more particularly set forth in Appendix A attached hereto and by this reference made a part hereof.

2. In rendering service under the authority 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 operation. Failure to file such reports, in such form and at such time as the Commission may direct, may result in a cancellation of the operating authority granted 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 to 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 9th day of May, 1961.

[Signature]  
 President

[Signature]

[Signature]

[Signature]  
 Commissioners

M and M Transfer Company, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Torrance	67,600

(The floor space shown above is exclusive of the 50,000 square feet of expansion permissible under Section 1051 of the Public Utilities Code).

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 61951, Application No. 43032.