

ORIGINAL

Decision No. 62251

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
LYLE V. ABBOTT, doing business as)
ACE CITY WAREHOUSE, for a certificate)
of public convenience and necessity)
to transact business as a public)
warehouseman.)

Application No. 43239

Milton W. Flack, for applicant.
Knapp, Gill, Hibbert & Stevens, by Wyman C. Knapp,
for Los Angeles Warehousemen's Association,
California Cartage Warehouse, Flour, Inc.,
G-K Distributing, Inter American Warehouse Corp.,
Los Angeles Transport & Warehouse Co.,
Pacific Coast Terminal Warehouse Co.,
Redway Transfer Co., Sierra Moving Service,
Signal Trucking Service, Superior Fast
Drayage, Westland Warehouses, Inc.;
Jay Frederick, for Signal Trucking Service, Ltd.,
and Warehouse Division; A. J. Palitzki, for
Westland Warehouse, Inc.; Harold A. Drury, for
Pacific Coast Terminal Warehouse Co., P. J.
Arturo, for Flour, Inc.; W. P. Daetwyler, for
Inter American Warehouse Corp.; protestants.
Carl F. Peters, for Los Angeles Warehousemen's
Association, interested party.
Leonard Diamond, for the Commission staff.

O P I N I O N

Lyle V. Abbott, presently rendering service as a highway
common carrier under the name of Ace City Delivery, requests
authority to operate a public warehouse in the vicinity of Maywood,
Los Angeles, California, under the name of Ace City Warehouse.

A public hearing was held before Examiner Kent C. Rogers in Los Angeles on April 28, 1961, and the matter was submitted.

By the application, filed on March 15, 1961, Lyle V. Abbott requests a certificate of public convenience and necessity authorizing operation as a public warehouseman utilizing 8,400 square feet of storage space.

Applicant Lyle V. Abbott, doing business as Ace City Delivery, presently is authorized to transport general commodities with exceptions between all points in the Los Angeles Basin Territory (Decision No. 61292, dated January 4, 1961, in Application No.42792). Applicant's office and terminal for the truck service is at 5901 South Eastern Avenue, Los Angeles County, California. At this location applicant has approximately a two-acre plot of land on which is located the 8,400-square-foot building in which he proposes to render the public warehouse service. This 8,400-square-foot building is of concrete-block construction with a steel roof and is protected by automatic sprinklers. The applicant has a five-year lease on this building and land commencing on December 15, 1961.

In rendering the truck service applicant has 18 pieces of equipment, 10 employees, and at the present time approximately 100 customers. There is a rail siding to the building and there are two rail-car doors therein in addition to other doors.

Applicant received his certificate as a highway common carrier on January 4, 1961. Since that time he has had two private warehouse customers, one of which he no longer has. The

other, Armstrong Cork, uses approximately 3,000 square feet of storage space for storing insulating, acoustical ceiling tile and wallboard.

The rates applicant proposes to charge for the storage service are those contained in Warehouse Tariff No. 28-A of the California Warehouse Tariff Bureau, California P.U.C. No. 193, issued by Jack L. Dawson, Agent. Applicant does not propose to store:

- (1) Automobiles, trucks and buses
- (2) Livestock
- (3) Commodities requiring use of special refrigeration or temperature control
- (4) Logs
- (5) Any commodity that will affect the rate of insurance, and commodities that will be detrimental to commodities in storage, or
- (6) Explosives.

Applicant had an indicated net worth as of December 31, 1960, of \$121,499. For the year ending December 31, 1960, he realized a net profit of \$19,019 from his trucking business. Applicant estimates that in one year he can realize a net profit of \$5,352 from the warehouse (Exhibit No. 2).

In support of the application, applicant called three of his trucking customers. They were an industrial lubricant supplier, a grinding wheel manufacturer, and a paint and varnish manufacturer. The industrial lubricant manufacturer is located in Orange, has no warehouse, desires a warehouse in Los Angeles, and has been using Ace City Delivery daily for eight years. He wishes to use applicant's warehouse services, has tried others, and does not feel that he wants to use anyone but the applicant for warehousing. The grinding wheel manufacturer is in the

vicinity of applicant's proposed warehouse, has very small warehouse space, and wishes to warehouse with applicant and have deliveries made directly from the warehouse. The varnish company is across the street from the proposed warehouse on Slauson Avenue, uses the applicant for local deliveries, and would like to use the applicant's warehouse in which to store the raw materials.

The evidence on behalf of the protestants shows that within a radius of approximately five miles or less of the proposed warehouse there are 12 certificated public warehouses. The evidence shows that each of these warehouses has available space (Exhibit No. 4) and would accept, store and deliver to the applicant commodities that his highway common carrier customers desire to store and have delivered. Several of the warehouse representatives testified that they would be glad to store the commodities for applicant's customers, and need the business.

Based on the evidence of record herein the Commission finds and concludes that applicant has failed to establish that public convenience and necessity require the proposed service. This application therefore will be denied.

O R D E R

An application having been filed, the Commission being informed in the premises and having found that public convenience and necessity do not require that the applicant be granted a certificate of public convenience and necessity,

IT IS ORDERED that the application be and the same hereby is denied.

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

Dated at San Francisco, California, this 11th day of July, 1961.

Charles W. [Signature]
 President

[Signature]

[Signature]

George H. Hoover

Fredrick B. Holbrook
 Commissioners