

Decision No. 62451

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of STRATFORD WAREHOUSE COMPANY, a  
California Corporation, for a  
Certificate of Public Convenience  
and Necessity to Transact Business  
As A Public Warehouseman.

Application No. 43521

O P I N I O N

Applicant, a California corporation, filed its verified application on June 22, 1961. It seeks a certificate as a public utility warehouseman to operate 23,400 square feet of floor space (6,000 tons of grain in bulk) at Stratford, Kings County.

Applicant, a copy of whose Articles of Incorporation is attached to the application, has owned a grain warehouse at Stratford for more than fifteen years. For more than ten years prior to April 8, 1958 public storage was provided in this building. Applicant leased the building at that time to another firm which stored grain there for the United States Commodity Credit Corporation. This use continued until April 1960 and therefore applicant has no prescriptive right.

Applicant now seeks to return to the public utility warehouse business. In one way or another this warehouse has been available to the grain growers of this area and has been used by them. Such use has continued for many years. The grant of a certificate will enable this use to continue.

Potential competitors at Stratford are alleged to have been served with copies of the application. None has protested.

The Commission hereby finds that public convenience and necessity require that the authority asked for be granted, that applicant has the necessary financial ability to render the proposed service, and that a public hearing is not necessary.

Stratford Warehouse 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 and the Commission having considered the same and basing its decision on the findings and conclusions set forth in the foregoing opinion,

IT IS ORDERED that:

1. A certificate of public convenience and necessity be and it is granted to Stratford Warehouse 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 22<sup>nd</sup> day of AUGUST, 1961.

*Robert W. Rose*  
President

*D. J. [unclear]*

*E. J. [unclear]*

*George L. Hoover*

*Frederick B. Halbach*  
Commissioners

Stratford Warehouse Company, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized as a public utility warehouseman to operate storage or warehouse floor space as follows:

<u>Location</u>	<u>Area or Capacity</u>
Stratford, Kings County	23,400 square feet

(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. 62151, Application No. 43521.