

ORIGINAL

Decision No. 62985

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of WESTLAND WAREHOUSES, INC., for authority to discontinue its business and operations as a warehouseman)))))	Application No. 44006 (Filed December 11, 1961)
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Application of PACIFIC COAST TERMINAL WAREHOUSE CO. for a certificate of public convenience and necessity authorizing enlargement of warehouse space)))))	Application No. 44011 (Filed December 13, 1961)
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OPINION AND ORDER

Westland Warehouses, Inc., (hereinafter sometimes called "Westland") seeks authority to discontinue its business and operations as a public utility warehouseman in the Terminal Building, 4814 Loma Vista Avenue, Los Angeles (Vernon), and Pacific Coast Terminal Warehouse Co. (hereinafter sometimes called "Pacific") seeks to increase its public utility warehouse space by acquiring the space to be abandoned by Westland.

Applicant Westland states that its business as a public utility warehouseman is carried on in warehouse space occupying 196,455 square feet at the above location; that it has elected, subject to the approval of the Commission, to discontinue its business as a warehouseman as of the close of business on December 31, 1961. Assertedly, subject to approval by this Commission, the warehouse space used and occupied by Westland will be leased from and after January 1, 1962, to Pacific which will thereafter utilize said space in the conduct of its business as a public utility warehouseman. Westland alleges that the continued operation by it as a warehouseman is not required by public convenience and necessity.

Applicant Pacific states that it proposes to acquire the space of 196,455 square feet to be abandoned by Westland and to operate said space and serve present customers of Westland and others of the storing public. It is alleged that public convenience and necessity require the granting of the application in order to meet the public storage requirements of former customers of Westland and other members of the storing public who may have occasion to use such facilities. No change in rates to the public is involved.

Upon consideration of the allegations contained in the applications, it appears, and the Commission finds, that the proposed discontinuance by Westland Warehouses, Inc., of the public utility warehouse operation herein involved will not be adverse to the public interest. The Commission further finds that public convenience and necessity require the granting of the authority sought by Pacific Coast Terminal Warehouse Co. A public hearing is not necessary. The applications will be granted. In view of the date of the proposed discontinuance and acquisition, the following order will be made effective on the date hereof.

Applicant Pacific Coast Terminal Warehouse 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, 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 to the number of rights which may be given.

Good cause appearing,

IT IS ORDERED that:

(1) Westland Warehouses, Inc., is hereby authorized to discontinue and abandon 196,455 square feet of public utility warehouse space at 4814 Loma Vista Avenue, Los Angeles (Vernon).

(2) Within thirty days after the effective date hereof and on not less than one day's notice to the Commission and to the public, Westland Warehouses, Inc., shall amend its tariff presently on file with this Commission to reflect the authority herein granted.

(3) Within thirty days after the effective date hereof Westland Warehouses, Inc., shall notify its storage patrons, in writing, of the authority herein granted.

(4) A certificate of public convenience and necessity is hereby granted to Pacific Coast Terminal Warehouse Co. 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 by this reference made a part hereof.

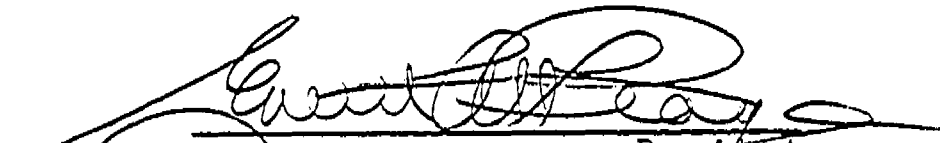
(5) In providing service pursuant to the certificate herein granted, Pacific Coast Terminal Warehouse Co. shall comply with and observe the following service regulations:

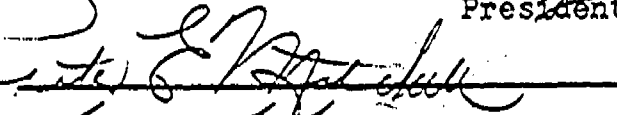
- (a) Within thirty days after the effective date hereof, Pacific Coast Terminal Warehouse Co. shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, Pacific Coast Terminal Warehouse Co. is placed on notice that 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 said decision.

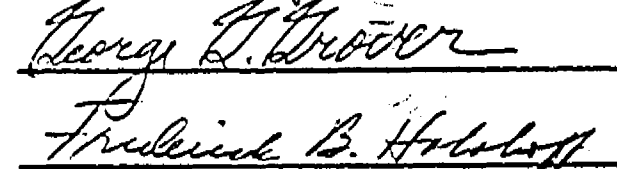
- (b) Within one hundred twenty days after the effective date hereof, and on not less than ten days' notice to the Commission and to the public, Pacific Coast Terminal Warehouse Co. shall establish the service herein authorized and file in triplicate and concurrently make effective tariffs satisfactory to the Commission.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 27th day of
December, 1961.



President


George D. Hoover


Frederick B. Holhoff

Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.

Pacific Coast Terminal Warehouse Co., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a public utility warehouseman for the storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Vernon	196,455

(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