

**ORIGINAL**Decision No. 63855

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Edward B. Windsor and John A. Jordan, a partnership, doing business as Terminal Storage, for a certificate of public convenience and necessity to operate the business of a warehouseman in Santa Barbara.

Application No. 44349

O P I N I O N

Applicants seek a certificate of public convenience and necessity to operate 50,000 square feet of utility warehouse space for the storage of general commodities in the vicinity of Santa Barbara. At the present time applicants have a temporary location at Quinientos and Salsipuedes Streets in Santa Barbara. They propose to erect a one story fireproof warehouse in Goleta having this capacity.

Applicants propose to file the rates in effect at the time in Tariff No. 28-A Cal. P.U.C. No. 193 of California Warehouse Tariff Bureau, Jack L. Dawson, Agent.

The application alleges that there are no facilities now in the area of the type they propose to operate. It appears that there are two or three warehouses operated by firms engaged in the moving and storage of household goods. Both applicants and members of the Commission staff have brought the matter to the attention of the California Warehousemen's Association. No protests to the application have been received.

The Commission finds and concludes that public convenience and necessity require the granting of temporary and permanent certificates as provided by the following order.

The Commission further finds that the applicants have the necessary experience and ability to operate a facility of the type proposed.

Edward B. Windsor and John A. Jordan are 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.

A public hearing is not necessary.

O R D E R

An application having been filed, and the Commission 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 Edward B. Windsor and John A. Jordan authorizing them to operate as a public utility warehouseman, as defined in Section 239(b) of the Public Utilities Code, in the locations 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, applicants shall comply with and observe the following service regulation:

- (a) Within thirty days after the effective date hereof, applicants shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicants are placed on notice that they will be required, among other things, to file annual reports of their 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 thirty days' notice to the Commission and to the public, applicants shall establish the service herein authorized and file in triplicate, and concurrently make effective, tariffs satisfactory to the Commission.
- (c) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 61.

3. Not less than thirty days prior to opening of their permanent operations at Goleta, applicants shall give notice to the Commission and the public and amend their tariffs accordingly.

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

Dated at San Francisco, California, this 26th day of JUNE, 1962.

[Signature]  
President

[Signature]

[Signature]

[Signature]

Commissioners

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

Edward B. Windsor and John A. Jordan, by the certificate of public convenience and necessity granted in the decision noted in the margin, are authorized to operate storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Goleta	50,000

TEMPORARY AUTHORITY

Santa Barbara	50,000 (1)
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- (1) This temporary authority shall terminate one year after the effective date of this order or upon the date service is first rendered at Goleta, whichever event first occurs.

(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. 63855, Application No. 44349.