

64058

ORIGINAL

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
 PALOMA E. (MARIS) MULLOY and JOHN M.)
 MULLOY, co-owners, dba, MARIS VAN &)
 STORAGE CO., for a certificate of)
 public convenience and necessity to)
 operate the business of a warehouse-)
 man in MONTEREY and vicinity.)

Application No. 44374
 (Filed April 20, 1962)

O P I N I O N

Applicants seek authority to operate 14,700 square feet of space as a public utility warehouseman at Monterey, California. Notice was given according to the Commission's procedural rules. There have been no protests.

Applicants allege that there is no similar space available in the Monterey Peninsula area. Interested parties served with copies of the application have included two warehouses at Salinas and one at Watsonville.

Applicants are constructing a building adjacent to tracks of the Southern Pacific Company. The building will be served by a spur track. The building is a Class A, concrete single story building. It has a piling height of 24 feet and a sprinkler system and is designed to handle both regular and palletized goods. Necessary docks, scales, forklift trucks, pallets and other equipment will be provided.

Applicants presently operate storage space for used household goods at two Monterey locations. They act as agent for a major carrier of this type of property. A financial statement attached to the application indicates their financial ability to conduct the operation proposed.

Applicants' proposed rates are attached to the application in tariff form. It is alleged that such rates are fair and reasonable and generally in conformity with rates presently being charged in this section of California.

The Commission finds that:

1. Public convenience and necessity require that a certificate be granted as requested.
2. Applicants have the necessary financial resources, experience, equipment and personnel to institute and maintain the proposed service.

Paloma E. (Maris) Mulloy and John M. Mulloy 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

Application having been filed and the Commission having considered all the allegations thereof,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Paloma E. (Maris) Mulloy and John M. Mulloy 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 regulations:

- (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.

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

Dated at San Francisco, California, this 7th day of AUGUST, 1962.

George G. Grover
President

[Signature]

[Signature]

[Signature]

Fredrick B. Holmberg
Commissioners

YPO

Appendix A

Paloma E. (Maris) Mulloy
and
John M. Mulloy

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Paloma E. (Maris) Mulloy and John M. Mulloy, 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>
Monterey	14,700

(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. 64058, Application No. 44374.