

ORIGINAL

Decision No. 65133

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of NORWALK TRANSFER AND STORAGE, INC., for a certificate of public convenience and necessity (Public Utilities Code Sections 239, 1051 and 1052).

Application No. 44940
(Filed November 13, 1962)

Wayne Cardon, for applicant.

Carl F. Peters, for Los Angeles Warehousemen's Association, interested party.

Norman B. Haley, for the Commission staff.

O P I N I O N

Norwalk Transfer and Storage, Inc., a California corporation, seeks authority, pursuant to Section 1051 of the Public Utilities Code, to operate 9,500 square feet of space as a public utility warehouseman at Norwalk and Santa Fe Springs, California.

A public hearing was held at Los Angeles on December 18, 1962, before Examiner Chiesa. Oral and documentary evidence having been adduced, the matter was submitted for decision.

Applicant, a family corporation, was incorporated in 1953 with an authorized capital of 100,000 shares of the par value of \$1.00 each, of which 25,000 shares have been issued and are outstanding. The officers and directors of the company and the number of shares owned by each are as follows:

- Herbert Wayne Nogle, President and director - 10,000 shares
- Vilas Vernon Nogle, Vice President and director - 10,000 shares
- Hazel Marie Harry, Secretary-Treasurer and director - 5,000 shares

As of September 30, 1962, the financial condition of the company was as follows:

Total tangible assets	\$41,261.19	
Total liabilities	<u>24,161.35</u>	
Net Worth		\$17,099.84
Represented by		
Capital stock outstanding	25,000.00	
Deficit	<u>7,900.16</u>	
		\$17,099.84

For the eleven-month period ending September 30, 1962, applicant's net income was \$4,245.01.

The corporation owns two buildings, each having 3,500 square feet of storage space, at 12025 East Front Street, Norwalk, and leases another building from its president, which is located at 13900 E. Rosecrans in Santa Fe Springs and has 2,500 square feet of storage space. Applicant and its predecessors, the present officers, have been in the warehousing business in Norwalk since 1947, storing principally dry goods and food products, new furniture, household supplies and equipment for the general public and retail merchants located in Norwalk and vicinity. Applicant proposes to adopt the rates in Warehouse Tariff No. 28-A of the California Warehouse Tariff Bureau, Cal. P.U.C. No. 193.

Norwalk and several other communities adjacent thereto have a population of several hundred thousand. There are no competing warehouses nearby. Applicant also holds permits to operate as a radial highway common, highway contract, city, and household goods carrier. The application is not opposed.

The Commission finds:

1. Public convenience and necessity require that a certificate be granted as requested.

2. Applicant has the necessary financial resources, experience, equipment and personnel to institute and maintain the proposed service.

Norwalk Transfer and Storage, Inc., 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

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Norwalk Transfer and Storage, Inc., a corporation, authorizing it 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.

In providing service pursuant to the certificate 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 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 this decision.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file in the Commission's office in triplicate tariffs satisfactory to the Commission.
- (c) The tariff filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and to the public, and the effective date of the tariff filings shall be concurrent with the establishment of the service herein authorized.
- (d) 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-A.

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

Dated at San Francisco, California, this 26th day of MARCH, 1963.

George A. Grover
President

Carl S. [unclear]

Carl O. [unclear]

Friedrich B. Holshoff

William W. [unclear]
Commissioners

APPENDIX A

NORWALK TRANSFER AND STORAGE, INC.
(a corporation)

Norwalk Transfer and Storage, Inc., by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Norwalk	7,000
Santa Fe Springs	2,500

(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. 65133, Application No. 44940.