

Decision No. 65164

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CAL-CROST HYBRID SEED GROWERS, INC.,)
a corporation, for a certificate of)
public convenience and necessity)
authorizing operation as a warehouse-)
man of agricultural commodities at)
Los Banos, California.)

Application No. 45177
(Filed February 13, 1963)

OPINION AND ORDER

By this application, Cal-Crost Hybrid Seed Growers, Inc., a California corporation, requests a certificate of public convenience and necessity authorizing it to operate as a public warehouseman at Los Banos in Merced County. It proposes to operate 6,350 square feet of warehouse floor space for the storage and handling of agricultural commodities.

Applicant asserts that public convenience and necessity urgently require its proposed operation, that it has received numerous requests for the proposed service, and that there is a need for public warehouse facilities in the vicinity of Los Banos for the storage of agricultural commodities. Applicant states that there are no public warehouses at or near Los Banos with which the proposed operation is likely to compete.¹

The application states that applicant's president has had six years' experience in the operation of a warehouse storing agricultural commodities and that applicant has available experienced personnel for the proposed operation. Applicant's latest balance sheet is attached to the application and indicates that applicant is financially able to perform the proposed operation.

¹The Commission's records show that the nearest public utility warehouse for the storage of agricultural commodities is located approximately 27 miles from Los Banos, at Newman, Stanislaus County.

The application shows that a copy thereof was mailed to the California Warehousemen's Association on or about February 7, 1963. No objections to the granting of the application have been received.

In the circumstances, it appears, and the Commission finds, that public convenience and necessity require the proposed operation. A public hearing is not necessary. The application will be granted.

Cal-Crost Hybrid Seed Growers, 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, 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. A certificate of public convenience and necessity is hereby granted to Cal-Crost Hybrid Seed Growers, Inc., a corporation, as a public utility warehouseman as defined in Section 239(b) of the Public Utilities Code, for the operation of storage or warehouse floor space as set forth in Appendix A attached hereto and by this reference made a part hereof.

2. 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 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 2nd day of April, 1963.

George A. Grover
President
Charles W. Page
Frederick B. Haloboff
William W. Bennett
Commissioners

Appendix A

CAL-CROST HYBRID SEED GROWERS, INC.
(a corporation)

Cal-Crost Hybrid Seed Growers, Inc., a corporation, possesses a certificate of public convenience and necessity as a public utility warehouseman for the operation of storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Los Banos	6,350

(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.

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