

ORIGINALDecision No. 65581

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 THOMPSON BROS., INC., a corporation,)
 doing business as THE DODD WAREHOUSES)
 for a certificate of public conven-)
 ience and necessity to operate as a)
 warehouseman.)

Application No. 45379

O P I N I O N

On July 12, 1960 by an order in Case No. 6611, the Commission determined that applicant had a prescriptive right to operate public utility warehouse space in Emeryville. Thirty-five thousand square feet were authorized, exclusive of the 50,000 square feet of expansion permitted by Section 1051 of the Public Utilities Code.

The building on Hollis Street in Emeryville which applicant has been using is not properly laid out for efficient operations. Applicant has sought another location in Emeryville but could not find one. It has located a suitable building about 1½ miles from its present location. It is, however, located in the City of Oakland. Both premises are not only located in the economic community of greater Oakland but are within substantially the same part of it. Applicant requests that a certificate of public convenience and necessity be granted to it to operate at the Oakland location.

The agent of the California Warehouse Tariff Bureau took up this matter with the public utility warehousemen operating in Oakland. He reports, by letter dated May 9, 1963, that they have no objection.

The Commission finds that:

1. Oakland and Emeryville are both components of the greater Oakland economic community.

2. The removal of a public utility warehouse operation right from Emeryville to Oakland will not reduce or withdraw such service from the public.

3. The removal of a public utility warehouse operating right from Emeryville to Oakland will not change, increase or reduce the competition to which other public utility warehousemen in greater Oakland are subjected.

The Commission finds and concludes that concurrently with the withdrawal of applicant's service in Emeryville public convenience and necessity will require the granting to applicant of a certificate to operate an equal amount of floor space in Oakland.

Thompson Bros., Inc., a corporation, doing business as The Dodd Warehouses, 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.

A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity be and it is granted to Thompson Bros., Inc., a corporation, doing business

as The Dodd Warehouses, authorizing it to operate as a public utility warehouseman, as defined in Section 239(b) of the Public Utilities Code, in the location more particularly 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 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.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order supersedes the prescriptive operative right determined by order instituting investigation, dated July 12, 1960, in Case No. 6611, which right is hereby revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

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

Dated at San Francisco, California, this 18th day of June, 1963.

George H. Hoover
President

~~John E. [unclear]~~
~~William H. [unclear]~~

Frederick B. Hallock

William W. [unclear]
Commissioners

APPENDIX A

THOMPSON BROS., INC.
(a corporation)

Thompson Bros., Inc., a corporation, 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>
Oakland	35,000

(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. 65581, Application No. 45379.