

Decision No. 65930

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
CECIL F. WHITE doing business as)
WHITE WAREHOUSE COMPANY for a)
certificate of public convenience)
and necessity authorizing the)
operation of a warehouse in the City)
of Fresno, County of Fresno.)

Application No. 45699
(Filed August 21, 1963)

OPINION AND ORDER

By this application, Cecil F. White, doing business as White Warehouse Company, requests a certificate of public convenience and necessity authorizing him to operate as a public utility warehouseman in Fresno for the storage and handling of cotton. Applicant proposes to dedicate and operate a three-story reinforced concrete and steel building containing 150,000 square feet of floor space, located at 1844 South Cherry Avenue. Applicant also requests that the matter be granted ex parte in order that he may bid on the warehousing of several hundred carloads of cotton which will be destined for warehousing in other states in a short time unless adequate public utility warehouse facilities become available in Fresno prior to September 1, 1963. Applicant asks that the certificate become effective prior to that date.

Applicant alleges that, because of the agricultural and economic practices in connection with the production, storage, and shipment of cotton, there is an ever expanding need for public utility warehouse facilities for the storage of cotton in the area of production if the State of California is to derive the full economic benefit of its local production of that commodity; that, in

the absence of adequate public utility warehousemen having facilities to store such cotton within the Fresno area, such cotton will be transported to other states which will then derive the economic and tax benefits flowing from such warehousing; and that there are not at present adequate warehouse facilities within the Fresno area to prevent the shipment of such cotton to such out-of-state warehouse locations. Applicant further alleges that he will store cotton for several thousand producers dealing with the Agricultural Stabilization and Conservation Service and the Commodity Credit Corporation of the United States Government.

Applicant states that he has had long experience in the cotton warehouse business in California, having for many years been the owner of Pinedale Compress and Warehouse Company of Fresno, duly certificated by this Commission; that he sold such facility to Calcot, Inc.; and that subsequently for several years he has been the owner of White Portable Compress Company of Oakland. Applicant states that the building in which he proposes to operate is the former Rosenberg Bros. Cherry Avenue plant in Fresno; that said plant was licensed for the handling of cotton in 1958 and 1959 in the name of Allen Warehouse Company of Fresno; and that such plant has modern facilities well suited to the storage of cotton.

Applicant further states that he can and will provide such additional facilities as public convenience and necessity may require and as the Commission's order and the governing statutes may permit.

Attached to the application and marked as Exhibit B is a statement showing the rates, rules and regulations which applicant proposes to publish in connection with his warehouse operation at Fresno. Also attached to the application marked as Exhibit C is a

financial statement of applicant. This statement indicates that applicant is financially able to conduct the proposed warehouse operation.

Applicant declares that he knows of no public utility warehouse or other entity which might wish to protest this application. Applicant's counsel has informed the Commission in writing that subsequent to the filing of this application he has ascertained that the California Warehousemen's Association has no objection to its being granted by ex parte order. Also, applicant's counsel states that a separate letter was addressed to each of the warehousemen engaged in cotton storage in the Fresno area, and that in each instance the warehouseman has indicated that it does not object to this application.¹

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

Cecil F. White 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.

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Allen Warehouse Company of California, Pacific Compress and Warehouse Co., and Western Compress Company.

Good cause appearing,

IT IS ORDERED that:

1. A certificate of public convenience and necessity is hereby granted to Cecil F. White, an individual, doing business as White Warehouse Company, 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.

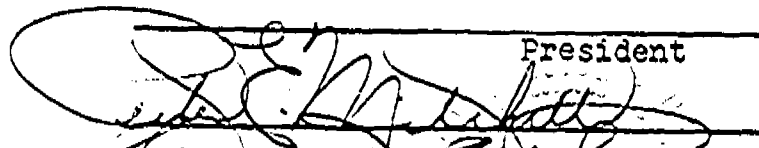
2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

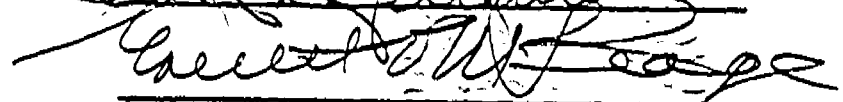
- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that he will be required, among other things, to file annual reports of his 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 five days after the effective date of this order on not less than five 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.

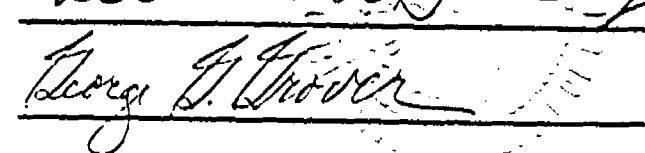
(d) The tariff filings made pursuant to this order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 61-A.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 30th day of August, 1963.



President




Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Frederick B. Holoboff, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

CECIL F. WHITE
(an individual)

Cecil F. White, doing business as White Warehouse Company, possesses a certificate of public convenience and necessity as a public utility warehouseman for the operation of storage or warehouse floor space for the warehousing of cotton, as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Fresno	150,000

(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. 65930, Application No. 45699.