

ORIGINAL

Decision No. 66183

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 DICKEY TRANSFER & STORAGE, INC., a)
 California corporation, to obtain)
 a Certificate of Public Convenience)
 and Necessity for the operation of)
 a public warehouse.)

Application No. 44844

Thuesen and Thompson, by William P. Irwin,
 for applicant.
Warren N. Grossman, for Bekins Warehousing
 Corporation; Lyon Van and Storage Company;
 American Warehouse Company, Inc.; Colonial
 Van & Storage Company; Lawrence Warehouse
 Company and Owl Transfer Company; protestants.

O P I N I O N

Applicant seeks a public utility warehouse certificate in the Cities of Fresno, Tulare and Porterville. Public hearing was held before Examiner Power at Fresno on May 15, 1963, and the matter was submitted. The protests were limited to Fresno and it appears that none of the protestants have operating rights at Tulare or Porterville.

Applicant's president and office manager testified in its behalf. The evidence was to the effect that inquiries had been received relating to milk cartons, sugar and business machines including computers. Applicant is presently serving furniture stores and a piano store as a pool car distributor.

Applicant presented no public witnesses, or studies of possible storage needs that might exist in the greater Fresno area.

Protestants offered the testimony of one management witness from each protestant, six in all. These witnesses testified that their organizations, collectively, have dedicated 139,500 square feet of space to public use. It was estimated that 91,500 square feet were in use and 48,000 square feet were available. These figures are estimated rather than reported. This record does not establish that additional warehouse space is needed in greater Fresno. Applicant has failed to make the required showing.

The application for rights at Tulare and Porterville was not protested. Applicant's building in Tulare has 7,500 square feet of space, the one in Porterville 6,000 square feet. It appeared in evidence at the hearing that these buildings had been used for the storage of used household goods. At the time of the hearing some of the space was in use for that purpose. However, there was some space available in both Tulare and Porterville.

There is a certificate outstanding authorizing warehouse operations at Tulare and Porterville but the owners thereof did not appear at the hearing. A copy of the application mailed to the Porterville address was returned marked "unknown", presumably the Tulare mailing was delivered. In any event the amount of space now available to storers in these two cities is limited.

The Commission finds that:

1. Applicant has failed to show that public convenience and necessity require additional public utility warehouse space in Fresno.
2. Public convenience and necessity require that applicant be granted a certificate for 1,000 square feet of public utility warehouse space at Porterville, Tulare County.

3. Public convenience and necessity require that applicant be granted a certificate for 1,000 square feet of public utility warehouse space at Tulare, Tulare County.

The Commission concludes that the application should be granted as hereinafter provided.

Applicant 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 of a class of business in a particular area. 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 Dickey Transfer & Storage, 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 made a part hereof.


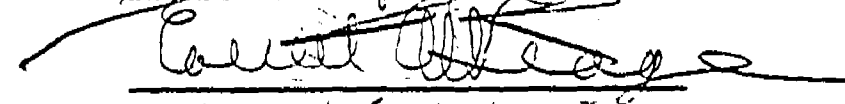
2. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations:

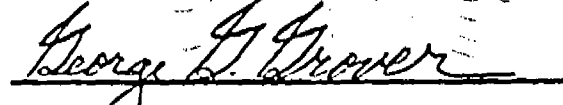
- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, applicant is placed on notice that it will be required, among other things, to file annual 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.

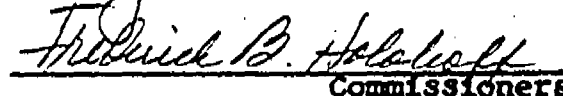
3. The application to operate public utility warehouse space at Fresno is denied.

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

Dated at San Francisco, California, this 22nd day of OCTOBER, 1963.


 _____ President





 _____ Commissioners

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

APPENDIX A

DICKEY TRANSFER & STORAGE, INC.
(a corporation)

Dickey Transfer & Storage, 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>
Tulare	1,000
Porterville	1,000

(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. 66183, Application No. 44844.