

65778

Decision No. _____

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)
 CONSOLIDATED WAREHOUSE COMPANY OF)
 CALIFORNIA, a California corporation,)
 (a) For an Order authorizing it to)
 abandon its warehouse facilities in)
 the City of Los Angeles and for an)
 Order revoking its Los Angeles ware-)
 house prescriptive rights, pursuant)
 to Sections 1051-1054 of the Public)
 Utilities Code.)

Application No. 46027
(Filed December 10, 1963)

(b) For a certificate of public)
 convenience and necessity authoriz-)
 ing it to conduct business as a)
 public warehouseman of general)
 commodities in the City of Commerce,)
 pursuant to Section 1051 of the)
 Public Utilities Code.)

O P I N I O N

By this application, Consolidated Warehouse Company of California, a corporation, seeks revocation of its prescriptive right for operation of 60,000 square feet of warehouse space at Los Angeles and a certificate of public convenience and necessity authorizing the operation of 30,000 square feet of warehouse space as a public utility warehouseman at the City of Commerce.

The application shows that Consolidated's present warehouse operative right was acquired by transfer pursuant to Decision No. 59100, dated October 6, 1959, in Application No. 41503. A financial statement consisting of a balance sheet as of October 31, 1963, and a profit and loss statement for the first ten months of 1963, are attached to the application.

Applicant alleges that prior to September 1963, it conducted a public utility warehouse business for the storage of general commodities at 125 South Santa Fe Avenue in the City of Los Angeles. In the conduct of said business it provided public utility warehouse space in the approximate amount of 60,000 square feet. Rates for this operation are set forth in California Warehouse Tariff Bureau Tariff No. 28-A, Cal. P.U.C. No. 193 of Jack L. Dawson, Agent. On or about September 3, 1963, applicant removed its warehouse facilities, together with most of the stored goods therein to a new warehouse facility located at 5833 South Malt Avenue. The address bears a Los Angeles post office address but is located within the City of Commerce. Applicant, believing that the new address was in the City of Los Angeles, made no application to the Commission for said transfer, but amended its tariffs to show the new address of its warehouse facilities. Since the date of said tariff filing, applicant was advised that 5833 South Malt Avenue is located in the City of Commerce. Thereupon this application was filed. The application shows that the warehouse facility at 5833 South Malt Avenue consists of a one-story structure containing approximately 30,000 square feet of storage space. Applicant requests an ex parte order revoking the prescriptive warehouse right for operation of 60,000 square feet of space acquired by it pursuant to Decision No. 59100, supra, and the issuance of a new certificate for the operation of 30,000 square feet of warehouse space.

Based on the evidence the Commission finds that:

1. Applicant no longer conducts public utility warehouse operations in the City of Los Angeles, having moved such operations to the City of Commerce.

2. Applicant now conducts and has dedicated to public utility warehouse operations 30,000 square feet of warehouse space at the City of Commerce.

3. The warehouse rates for said public utility warehouse operations at 5833 South Malt Avenue, City of Commerce, are on file with the Commission and are set forth in California Warehouse Tariff Bureau Tariff No. 28-A, Cal. P.U.C. No. 193, of Jack L. Dawson, Agent.

4. Applicant possesses the necessary experience and financial ability to conduct the public utility warehouse operations sought in this application.

5. The discontinuance of the public utility warehouse operations at Los Angeles as proposed herein will not be adverse to the public interest.

6. Public convenience and necessity require the proposed operations at Commerce.

The application should be granted. A public hearing is not necessary.

Consolidated Warehouse Company of California, a California corporation, 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. 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. Consolidated Warehouse Company of California, a corporation, is hereby authorized to discontinue public utility warehouse operations at Los Angeles and the prescriptive right acquired by it pursuant to Decision No. 59100 in Application No. 41503, is hereby revoked.

2. A certificate of public convenience and necessity is granted to Consolidated Warehouse Company of California, 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.

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

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.

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

Dated at San Francisco, California, this 11th day of FEBRUARY, 1964.

Edward A. Rago President
George G. Grover
Frederick B. Hallock

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

Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

CONSOLIDATED WAREHOUSE COMPANY
OF CALIFORNIA
(a corporation)

Consolidated Warehouse Company of California, 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>
City of Commerce	30,000

(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. 66778, Application No. 46027.