

Decision No. 67150**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 UNION ICE & STORAGE COMPANY, a )  
 corporation, for a certificate of )  
 public convenience and necessity )  
 authorizing extension of operation )  
 as a cold storage warehouseman at )  
 Wilmington - San Pedro, California. )

Application No. 46204  
 (Filed February 17, 1964)

O P I N I O N

Applicant, Union Ice & Storage Company, a corporation, is engaged in business as a public utility cold storage warehouseman at various locations in California. By this application it seeks a certificate of public convenience and necessity as a warehouseman pursuant to Section 1051 of the Public Utilities Code for the operation of 48,000 square feet of cold storage warehouse floor space in the Wilmington-San Pedro district of the City of Los Angeles. Applicant now operates 16,000 square feet of cold storage warehouse space at two warehouse locations within said district, under a certificate granted by the Commission in Decision No. 38771, dated March 12, 1946, in Application No. 26823. That decision did not allocate any particular square footage to operations in either Wilmington or San Pedro, stating that both communities are part of the Los Angeles Harbor area. The certificate requested herein would be in lieu of applicant's operative right granted by said Decision No. 38771.

Applicant proposes to operate a new modern shipside cold storage and refrigerated warehouse on premises owned by the City of

Los Angeles at the rear of Berth 142, Los Angeles Harbor. The new facility would be in addition to the two present facilities operated in the Los Angeles Harbor district. Applicant intends to make applicable at its new plant the rates now applicable at its present facilities in this district. Applicant alleges that it has the experience and financial ability to conduct the proposed operations, as indicated by the balance sheet and profit and loss statement attached to the application, and by applicant's annual reports filed with this Commission. The application states that applicant is the only public utility warehouseman providing cold storage warehouse service in the Wilmington-San Pedro district.

We find that applicant has the resources, financial ability and trained personnel to operate the additional warehouse space sought, and that public convenience and necessity require the operation by applicant of 48,000 square feet of public utility warehouse floor space at Los Angeles Harbor, as proposed in the application, in lieu of the 16,000 square feet now authorized to applicant. The Commission concludes that the application should be granted. A public hearing is not necessary.

Union Ice & Storage Company 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 Union Ice & Storage Company, 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. The certificate of public convenience and necessity granted in paragraph 1 of this order supersedes the certificate of public convenience and necessity granted by Decision No. 38771, which certificate is hereby revoked, said revocation to become effective concurrently with the acceptance of the certificate granted in ordering paragraph 1 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 28<sup>th</sup> day of APRIL, 1964.

William B. Smith  
President  
John C. Stephens  
Wesley W. Leary  
George T. Grover  
Fredrick B. Holsloff  
Commissioners

Appendix A

UNION ICE & STORAGE COMPANY  
(a corporation)

Union Ice & Storage Company, a corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to operate public utility cold storage floor space for the storage of any and all commodities requiring refrigerated warehousing as follows:

| <u>Location</u>   | <u>Number of Square Feet<br/>of Floor Space</u> |
|---|---|
| Los Angeles Harbor District<br>of the City of Los Angeles | 48,000  |

(The floor space shown above is exclusive of the 50,000 square feet of expansion permissible under Section 1051 of the Public Utilities Code.)

Issued by California Public Utilities Commission

Decision No. 67150, Application No. 46204.