

**ORIGINAL**Decision No. 68386

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 RUSSELL P. SAMPOUL, doing business as )  
 COLONIAL VAN & STORAGE COMPANY, under )  
 and pursuant to the provisions of )  
 Section 1051 of the Public Utilities )  
 Code of the State of California, for )  
 a Certificate of Public Convenience )  
 and Necessity authorizing applicant )  
 to operate a public warehouse; for )  
 authority to discontinue public util- )  
 ity warehouse operations at Fresno, )  
 California; and for revocation of the )  
 prescriptive operative right acquired )  
 by applicant, pursuant to Order of the )  
 Commission, dated 26 July 1960, in )  
 Case No. 6636. )

Application No. 47026  
 (Filed October 5, 1964)

O P I N I O N

Russell P. Sampoul is a public utility warehouseman, doing business as Colonial Van & Storage Company. By this application he seeks cancellation of his prescriptive right to operate as such at 1638 North Calaveras Street in the City of Fresno, and seeks, concurrently, a certificate of public convenience and necessity to operate as a public utility warehouseman in premises located at 2742 South Railroad Avenue, within the County of Fresno and within the commercial area of Fresno but outside the corporate limits of that city.

The application shows that applicant formerly conducted his public utility operations at the above-mentioned Calaveras Street address,<sup>1/</sup> but that he has transferred his operations from that location to the South Railroad Avenue address, taking his public utility warehouse accounts to the new location. According to the

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<sup>1/</sup> Applicant maintained, and still operates, a branch warehouse in Merced, devoted exclusively to the storage of used household goods, an activity which does not require certification by this Commission.

application, applicant was not aware at the time of his removal that the relocation of his business would result in a discontinuance of public utility warehouse operations at Fresno.

The application points out that the population and the commercial and industrial development of Fresno have expanded beyond the corporate limits of that city and that this fact was recognized by the Commission when it prescribed a "Fresno Extended Area" and a metropolitan Fresno area in Distance Table No. 5 and Minimum Rate Tariff No. 2, respectively.

The facilities at the new location are described as follows: the building has a floor area of 12,500 square feet; it consists of a concrete floor, brick walls and corrugated steel roof; in addition to the main building there is an open shed with corrugated steel roof, the shed having an area of 4,000 square feet; alongside the building there is a railroad siding, 90 feet in length.

Applicant proposes to publish and file, for application at the new warehouse location the same rates and charges as applied, and are still in effect, at the Calaveras Street address. Assertedly, the relocation of applicant's public utility warehouse operations will create no new or additional competition and is merely a removal of applicant's operations from one part of Fresno across town to another part of the same community.

Copies of the application have been furnished to competing warehousemen. No protests have been received.

We find that:

1. Public convenience and necessity no longer require the operations by applicant of a business as a public utility warehouseman, as defined in subdivision (b) of Section 239 of the Public Utilities Code, at 1638 North Calaveras Street, in the City of Fresno.

2. Public convenience and necessity require the operation by applicant of a business as a public utility warehouseman, as defined in subdivision (b) of Section 239 of the Public Utilities Code, at 2742 South Railroad Avenue, County of Fresno.

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

O R D E R

IT IS ORDERED that:

1. The prescriptive right of Russell P. Sampoul, an individual, to operate as a public utility warehouseman, as defined in subdivision (b) of Section 239 of the Public Utilities Code, at 1638 North Calaveras Street, in the City of Fresno, is revoked.

2. A certificate of public convenience and necessity is granted to said Russell P. Sampoul to operate as a public utility warehouseman, as defined in subdivision (b) of Section 239 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 granted by ordering paragraph 2 hereof, 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 thirty days after the effective date hercof, applicant shall amend or reissue his tariff on file with the Commission to reflect the change of location of the warehouse operations involved. The authority herein granted shall not be construed as authorizing any increase in rates.
- (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.
- (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,

4. Pursuant to the revocation of operative authority accomplished by ordering paragraph 1 hereof, applicant shall amend his tariff to reflect the discontinuance of public utility warehouse service at 1638 North Calaveras Street, in the City of Fresno. Said tariff filings shall be made effective concurrently with the effective date of tariff filings required by ordering paragraph 3(b) hereof, on not less than ten day's notice to the Commission and to the public.

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

Dated at San Francisco, California, this 22nd day of December, 1964.

Frederick B. Hallock  
President

George J. Trover  
Commissioners

William W. Bennett  
Commissioners

Russell P. Sampoul, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to operate a public utility warehouse for the storing of general commodities as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
2742 South Railroad Avenue County of Fresno	16,500

(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.

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