

ORIGINAL

Decision No. 68832

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's
own motion into the operations,
rates and practices of JACK LEVINE
and AL ZEIGLER, copartners, doing
business as RANCHO COLD STORAGE.)

Case No. 7838

In the Matter of the Application
of RANCHO COLD STORAGE, a corpo-
ration, for a certificate of public
convenience and necessity, author-
izing operation as a Food Ware-
houseman, pursuant to Sections
1051 and 2507 of the California
Public Utilities Code.)

Application No. 46590
As Amended January 21, 1965

Turcotte & Goldsmith, by Jack O. Goldsmith, for
respondent in Case No. 7838 and for applicant
in Application No. 46590.

Knapp, Gill, Hibbert & Stevens, by Wyman C. Knapp,
for Pacific States Cold Storage Warehousemen's
Association, and O'Melveny Myers, by Lauren M.
Wright, for California Consumers Corporation,
interested parties in Case No. 7838.

Elmer Sjostrom and J. B. Hannigan, for the Commis-
sion staff in Case No. 7838.

George L. Hunt, for the Commission staff in
Application No. 46590.

O P I N I O N

By its order dated February 11, 1964, the Commission
instituted an investigation into the operations, rates and practices
of Jack Levine and Al Zeigler, copartners, doing business as Rancho
Cold Storage to determine:

1. Whether respondents are operating as a public utility
within the definition of Sections 216, 239, 2507 and 2508 of the
Public Utilities Code.

2. Whether respondents have violated Sections 489 or 2551 of
the Public Utilities Code by failing to file and publish schedules

of their rates and charges in accordance with the requirements of said sections, and without filing tariffs in accordance with General Order No. 61-A of the Public Utilities Commission.

3. Whether respondents have violated Section 1051 of the Public Utilities Code by failing to secure a certificate of public convenience and necessity pursuant to the requirements of said section.

A public hearing was held before Examiner Porter on May 12, 1964, July 15, 1964 and September 15, 1964.

On April 24, 1964, Rancho Cold Storage, a corporation formed by Jack Levine and Al Zeigler, filed an application for a certificate of public convenience and necessity authorizing operation as a food warehouseman. This application was amended January 21, 1965.

A public hearing was held before Examiner Porter on January 21, 1965 at Los Angeles.

For the purpose of deciding these two matters the partnership and corporation can be considered as one entity.

There were no protestants to the application as amended.

Applicant presented evidence that it seeks only authority to warehouse food commodities which require cooling or refrigeration for their proper warehousing. While its total facilities encompass approximately 76,884 gross square feet, it seeks only a certificate of public convenience and necessity covering approximately 39,351 gross square feet.

If the sought certificate is granted, applicant will apply to the California Warehouse Tariff Bureau for permission to become a party to its Cold Storage Warehouse Tariff No. 2 series issued by Jack L. Dawson, Agent.

Evidence was presented as to the growth of the Los Angeles area and witnesses, wholesalers, dealers and other suppliers of food commodities, testified as to the need of applicant's service.

Applicant presented evidence as to its financial ability to render the proposed service and its officers testified that they can and will supply additional funds in the event the applicant needs additional funds to operate its business properly after conversion to a public status.

Upon consideration, the Commission finds that public convenience and necessity require the granting of the authority sought and concludes that the application should be granted.

In view of the foregoing finding, it is not necessary to set forth the evidence presented by the staff in Case No. 7838 but it will suffice to say that Jack Levine and Al Zeigler violated the Public Utilities Code sections and General Order heretofore mentioned. No punitive action as to such violations will be taken by the Commission. Applicant and Jack Levine and Al Zeigler are placed on notice, however, that all rules and regulations of this Commission must be obeyed.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Rancho Cold Storage, 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

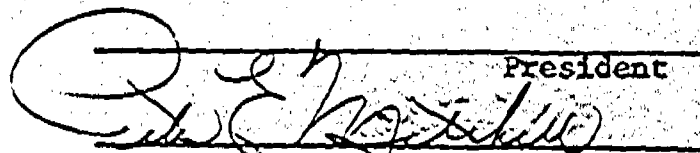
required, among other things, to file annual reports of its operations. Failure to file such reports, in such form and at such time as the Commission may direct, may result in a cancellation of the public utility warehouse operations authorized by this decision.

- b. Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and file tariffs, in triplicate, in the Commission's office.
- 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, 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.

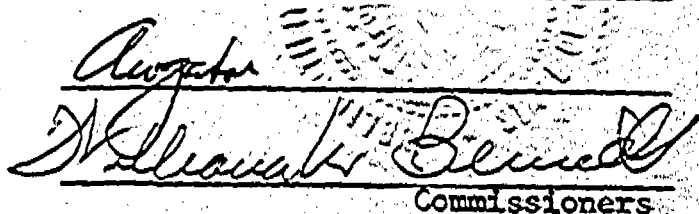
3. The investigation instituted by Case No. 7838 is discontinued and the matter is dismissed.

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

Dated at San Francisco, California, this 30th day of MARCH, 1965.



President



Commissioners

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

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.

APPENDIX A

RANCHO COLD STORAGE
(a corporation)

Rancho Cold Storage, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate as a public utility warehouseman for the operation of storage or warehouse floor space as follows for the handling of food commodities that require cooling or refrigeration:

Location

Los Angeles

Number of Square
Feet of Floor Space

39,357 square feet

Commodity

All products, stuffs, preparations, substances, or articles which are customary or proper for food for human beings, including meat and meat products, fruit, vegetables, fresh fish, shellfish, game, poultry, eggs, butter, cheese, and milk.

NOTE:-Applicant may not add to, extend or otherwise increase its storage or warehouse floor space without specific authority from the Commission.

End of Appendix A

Issued by California Public Utilities Commission.

Decision No. 68832, Application No. 46590.