

ORIGINALDecision No. 68917

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 CROWN TERMINAL CORP., a corporation,)
 to transfer, and of J. D. TRANSPORT-)
 TATION CO., a corporation, to)
 acquire operating rights as a pub-)
 lic utility warehouseman.)

Application No. 47226

SUPPLEMENTAL OPINION AND ORDER

By Decision No. 68650, dated February 24, 1965, Crown Terminal Corp. was authorized to sell and transfer, and J. D. Transportation Co. was authorized to purchase and acquire certain prescriptive operating rights as a public utility warehouseman in the City of Vernon.

J. D. Transportation Co., which is operating as a private warehouseman at Terminal Island, has requested that the newly acquired warehouse authority be amended so as to permit operations at its Terminal Island facilities. Said facilities consist of 15 acres of land occupied pursuant to a 5-year lease, which commenced in June 1963, from the Los Angeles City Harbor Department. Situated upon the land are three buildings having a total of 31,200 square feet of storage space. Two of said buildings are of concrete-block construction; the third is of Quonset-type construction. Each of said buildings has a steel roof and is protected by hand operated sprinklers.

After consideration, the Commission finds that the discontinuance of public utility warehouse operations at Vernon would not be adverse to the public interest and that public convenience and necessity require public utility warehouse operations at

Los Angeles as proposed. A public hearing is not necessary. The requested amendment should be granted.

J. D. Transportation Co., a 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 over a particular route. 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.

IT IS ORDERED that:

1. Ordering paragraphs 3 and 4 of Decision No. 68650, dated February 24, 1965, are amended to read as follows:

"3. A certificate of public convenience and necessity is granted to J. D. Transportation Co., 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:

"4. In providing service pursuant to the certificate herein granted, J. D. Transportation Co. shall comply with and observe the following service regulations:

"a. Within thirty days after the effective date hereof, J. D. Transportation Co. shall file a written acceptance of the certificate herein granted. By accepting the certificate of public convenience and necessity herein granted, J. D. Transportation Co. 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, J. D. Transportation Co. 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."

2. Decision No. 68650 dated February 24, 1965, is further amended by adding thereto the following as Ordering Paragraphs 5 and 6:

"5. The public utility warehouse operative right determined by order of the Commission dated August 1, 1960, in Case No. 6722, is hereby revoked concurrently with the effective date of the tariff filings required by Ordering Paragraph 4(b) hereof.

"6. Crown Terminal Corp. Warehouse Tariff No. 1, Cal. P.U.C. No. 1, is hereby canceled concurrently with the effective date of the tariff filings required by Ordering Paragraph 4(b) hereof."

3. In all other respects, Decision No. 68650 shall remain in full force and effect.

The effective date of this order shall be twenty days after applicant has paid the necessary \$50 filing fee for the certificate herein requested.

Dated at San Francisco, California, this 20th day of April, 1965.

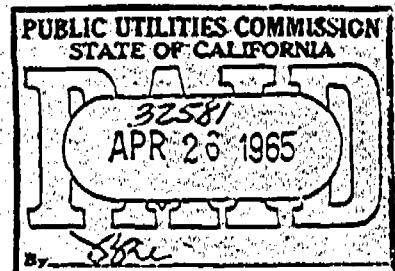
Frederick B. Holcomb
President

John P. Hatch

George T. Trover

William L. Bennett
Commissioners

Commissioner A. W. GATOV
present but not voting.



Appendix A

J. D. TRANSPORTATION CO.
(a corporation)

J. D. Transportation Co. 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:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
City of Los Angeles	31,200

(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. 68917, Application No. 47226.