

ORIGINAL

Decision No. 69195

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Law Express, Inc.,
A California Corporation For
Authority To Change The Location
Of Its Public Utility Warehouse
And For Correction Or Clarifica-
tion Of Its Prescriptive Warehouse
Operative Right)

Application No. 47240
Filed January 6, 1965

Knapp, Gill, Hibbert and Stevens, by
Karl K. Roos, for applicant.
Jackson W. Kendall, for Bekins Ware-
housing Corporation, interested
party.
Joseph Braman, for the Commission staff.

O P I N I O N

Applicant requests (1) authority to change the location of its warehouse facilities from 2121 South Yates Street (formerly in County territory and now within the City of Commerce) to 4425 East 49th Street in the City of Vernon and (2) a clarification of its prescriptive warehouse operative right.

A public hearing was held in Los Angeles on March 22, 1965, before Examiner Chiesa. Oral and documentary evidence having been adduced, the matter was submitted for decision.

The evidence shows and we find that:

Applicant possesses a prescriptive operative right as a public utility warehouseman for 1,152 square feet of floor space (exclusive of the expansion permissible under Section 1051 of the Public Utilities Code) "in the vicinity

of Montebello, Los Angeles County" (Case No. 6889, dated August 23, 1960). Until December of 1963, said business was conducted at 2121 South Yates Street in Los Angeles County territory. Applicant was required to move to a new location because the owner of the premises, FMC Corporation, required the space for the storage of its own commodities. Applicant found a suitable place in the same area at 4425 East 49th Street in Vernon, a distance of approximately four miles from the old location. Applicant also operates as a permitted carrier, employing seven persons and operating three trucks. At the old warehouse, applicant had one customer that warehoused hospital furniture and equipment. At the new location, occupied since December, 1963, there are three companies now using approximately 11,000 square feet of space. The two new companies warehouse plastic sheets and weather stripping material.

The new location consists of a brick building with two doors for rail cars and two for trucks. There is office space plus 15,000 square feet of usable floor space. On the average there is a merchandise turnover about once each month. In addition to its own trucks, two bobtails and one pickup, it sometimes uses other carriers as subhaulers. Its customers occasionally transport their own products.

Applicant is a party to California Warehouse Tariff Bureau Warehouse Tariff No. 28-A, Cal. P.U.C. No. 193, issued by Jack L. Dawson, agent.

Applicant's president and two public witnesses, customers of applicant, testified in support of the application, which was not opposed.

Based upon the evidence, the Commission finds that public convenience and necessity require the operation by applicant of a business as a public warehouseman as defined in subdivision (b) of Section 239 of the Public Utilities Code at its new location as hereinafter set forth.

For clarification, a certificate of public convenience and necessity will be granted to applicant in lieu of the prescriptive operative right referred to in Case No. 6889, dated August 23, 1960, which right will be cancelled.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Law Express, Inc., 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 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 certificate of public convenience and necessity granted in paragraph 1 of this order is in lieu of and supersedes all existing authority for the operation of storage or warehouse space heretofore granted to or acquired by Law Express, Inc., and presently possessed by it, which authority (Case No. 6889, dated August 23, 1960) is hereby canceled and revoked, said revocation to become effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

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

Dated at San Francisco, California, this 8th day of JUNE, 1965.

Frederick B. Holdoff
President

John E. Mitchell

George J. Hoover
Attorney

William W. Bennett
Commissioners

APPENDIX A

LAW EXPRESS, INC.
(a corporation)

Law Express, Inc., by 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>
4425 East 49th Street Vernon, California	15,000

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

End of Appendix A

Issued by California Public Utilities Commission.

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