

**ORIGINAL**

Decision No. 71891

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 H & L TRANSPORT, INC., a corporation, )  
 for a certificate of public conve- )  
 nience and necessity to operate the )  
 business of a warehouseman in Goshen, )  
 Tulare County, California. )

Application No. 48834  
 (Filed October 3, 1966)

O P I N I O N

H & L Transport, Inc. requests a certificate of public convenience and necessity to engage in the business of a warehouseman as defined in Section 239(b) of the Public Utilities Code.

Applicant is a corporation engaged in the transportation of livestock and livestock feeds. Applicant is also engaged in the buying, feeding and selling of livestock, and the buying of livestock feeds. Applicant's transportation business is conducted pursuant to Radial Highway Common Carrier Permit No. 54-4200.

The application states that applicant owns certain real property at Goshen, Tulare County, upon which there is being constructed eight silos capable of storing 8,400 tons of whole grain. Each silo is to be equipped with automatic loading and unloading elevator equipment. The property will be served by a rail spur 1000 feet in length, capable of holding 20 rail cars. Applicant has entered into purchase commitments in the amount of \$182,000 for the construction of said storage facilities.

Applicant alleges that the nearest public grain storage facility is located approximately 25 miles from Goshen. Many grain brokers and producers of grain located within a 25-mile radius of

Goshen have expressed a desire to utilize the proposed storage facilities. Copies of the application were served upon 17 warehousemen and the California Warehousemen's Association. No protests to the application have been received.

The Commission finds that public convenience and necessity require the granting of the authority requested. A public hearing is not necessary.

H & L Transport, Inc. 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 location. 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 H & L Transport, 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. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, 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.

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

Dated at San Francisco, California, this 25th day of JANUARY, 1967.

*[Signature]* President  
*[Signature]*  
*[Signature]*  
*[Signature]*

Commissioners

WILLIAM SYMONS, JR.

Commissioner..... did not participate in the disposition of this proceeding.

H & L Transport, Inc., a corporation, is authorized to operate as a public utility warehouseman as defined in Section 239(b) of the Public Utilities Code as follows:

<u>Location</u>	<u>Capacity</u>
Goshen (Tulare County)	8400 tons bulk storage

The capacity 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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