

ORIGINAL

Decision No. 72455

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of

DAVIES WAREHOUSE COMPANY, a California corporation, for authority to operate a public warehouse at Mira Loma Space Center, Mira Loma, Riverside County, California, pursuant to the provisions of Section 1051 of the Public Utilities Code.

Application No. 49136
(Filed February 7, 1967)

O P I N I O N

Davies Warehouse Company is a California corporation engaged in the operation of a public utility warehouse at 164 South Central Avenue, Los Angeles, California 90012.

Applicant requests that it be granted a certificate of public convenience and necessity authorizing it to transact the business of a warehouseman as defined in Sections 239 and 1051 of the Public Utilities Code on the premises of Mira Loma Space Center, Inc., at Mira Loma, Riverside County, California, formerly known as the Mira Loma Air Force Base and Quartermaster Depot. Applicant proposes to operate 175,500 square feet of warehouse space at said location, to lease said space from said Mira Loma Space Center, Inc., and to provide a public utility warehouse operation for the public generally at said location. Applicant alleges that said premises are served by rail spur of the Union Pacific Railroad, and the public will have motor truck service available also.

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Applicant alleges that it and its predecessor have been conducting warehousing operations in the State of California and in the City of Los Angeles since 1893; that the applicant was incorporated in 1902; that since that date applicant has continuously performed a public utility warehouse service in the City of Los Angeles at 164 South Central Avenue, consisting of 150,500 square feet of space located in four separate buildings at said address; and that the authority under which the applicant operates is "Grandfather" in nature.

An operating statement for the year ending December 31, 1966, is attached to the application and shows operating revenues of \$272,664.86 and a net profit of \$23,142.26. A financial statement is also attached to the application showing total assets of \$618,390.67 with a surplus as of December 31, 1966, of \$212,027.78.

Applicant alleges that it has investigated the availability of public utility warehousing space in the general area and that there is no public utility warehouseman currently operating at said Mira Loma Space Center, but that there are buildings and space available for lease. The nearest general commodity warehouses are located at Riverside, California, about 10 miles distant, and applicant states that the operations which it proposes at said location will not conflict in any way with, nor divert traffic from, the warehousing facilities at Riverside, nor at other nearby cities or other locations in Riverside County.

Applicant alleges that public convenience and necessity require the establishment and maintenance of warehouse facilities

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at said point for the reason that it has had numerous requests for storage, and that the general area is being developed as a space center and as a distribution center for the growing industrial area immediately adjacent to said Mira Loma Space Center. Applicant states that numerous industries have moved into the area, creating a substantial demand for warehousing space, where both rail and truck facilities are available.

Applicant alleges that its activities will be fully compensatory at rates which will be comparable to those presently maintained by public utility warehousemen in the City of Riverside, and applicant proposes to become a party to California Warehouse Tariff Bureau Tariff No. 28-A, Cal. PUC No. 193, as amended, Jack L. Dawson, Agent, and Tariff 29-A, Cal. PUC No. 194, Jack L. Dawson, Agent.

Copies of the application have been mailed to the Los Angeles Warehousemen's Association and to warehouses operating at Riverside, San Bernardino, Pomona and Rialto with which this applicant is likely to compete. No protests have been received.

After consideration, the Commission finds that public convenience and necessity require the proposed service and concludes that the application should be granted.

Davies Warehouse Company, a California 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.

A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Davies Warehouse Company, a California 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 23rd
day of MAY, 1967.

John E. Mitchell
President

William C. Bennett

August

William A. ...

Sheel P. Monahan
Commissioners

APPENDIX A

DAVIES WAREHOUSE COMPANY
(a corporation)

Davies Warehouse Company, a corporation, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to operate storage or warehouse floor space as follows:

| <u>Location</u> | <u>Number of Square Feet of Floor Space</u> |
|---|---|
| Mira Loma Space Center, Inc. Mira Loma Riverside County, California | 175,500 |

(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.
Decision No. 72455, Application No. 49136.