

ORIGINALDecision No. 73674

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
the HELM BEAN & SEED WAREHOUSE, INC.,
a California corporation, for a
certificate of public convenience and
necessity, or permit, to operate a
food warehouse, and for a permit to
issue stock.

Application No. 49718
(Filed October 9, 1967;
amended December 6, 1967)

O P I N I O N

By this application, as amended, Helm Bean & Seed Warehouse, Inc., seeks a certificate of public convenience and necessity to render public utility warehouse service in Fresno County, near the community of Helm. Authority is also sought to issue 300 shares of common stock at \$100 per share, par value.

The facilities in which the proposed operations are to be conducted consist of a building constructed of laminated stress with all-metal sheeting exterior. The interior floor area is 28,800 square feet and the covered outside area is 2,200 square feet. The services proposed for the warehouse are bean cleaning, storage, weighing, sacking, receiving and delivery, seed treating, seed processing for certified seed, fumigation and any special handling that might be required by grower customers.

According to the application, as amended, the rates and charges proposed to be published and observed are those which prevail among other warehousemen in the area of operation.¹

¹ The specific rates and charges proposed to be published and filed are set forth in Paragraph IV of the amendment to the application.

The application states further that applicant was incorporated under the laws of the State of California on February 3, 1967; that applicant has not yet commenced doing business, that it has neither assets nor liabilities, other than costs of organization; that initially all of applicant's common stock will be purchased for cash by Klein Brothers, Inc., a California corporation;² that the cash obtained by the sale of said stock will be utilized for the purchase of the above-mentioned facilities by applicant; and that additional funds which may be required for construction and operating capital are committed to be loaned by a specified commercial bank.

The Commission supplied applicant with a list of potential competitors. On December 5, 1967 applicant's attorneys served notices of the application on these entities. The application was listed on the Commission's Daily Calendar on October 10, 1967. The amendment was listed on December 8, 1967. No protests have been received.

The Commission finds that:

1. Applicant has the facilities, personnel and financial resources to render the service proposed in the application, as amended.
2. Public convenience and necessity require that the application be granted.
3. The money, property or labor to be procured or paid for by the issue of the stock herein authorized is reasonably required for the purposes specified herein, and such purposes are not, in

² The officers and directors of applicant are all shareholders, officers and directors of Klein Brothers, Inc.

whole or in part, reasonably chargeable to operating expenses or to income.

A public hearing is not necessary.

The Commission concludes that the application, as amended, should be granted as provided by the following order.

Helm Bean & Seed Warehouse, 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 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.

The action taken herein is for the issuance of a certificate of public convenience and necessity and for the authorization of the issuance of stock only and is not to be considered as an authorization to incur long-term indebtedness nor as indicative of amounts to be included in proceedings for the purpose of determining just and reasonable rates.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Helm Bean & Seed Warehouse, 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. Helm Bean & Seed Warehouse, Inc., for the purposes specified in this proceeding, may issue and sell, at par, not exceeding 300 shares of its \$100 par value common stock.

3. In providing service pursuant to the certificate herein granted, applicant shall comply with and observe the following service regulations. Failure so to do may result in a cancellation of the operating authority granted by this decision.

- 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.
- 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.

4. Helm Bean & Seed Warehouse, Inc., shall file with the Commission a report, or reports, as required by General Order No. 24-B, which order, insofar as applicable, is hereby made a part of this order.

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

Dated at San Francisco, California, this 30th day of JANUARY, 1968.

John R. [unclear] President
William [unclear]
Wogden
William [unclear]
Paul P. Monissey Commissioners

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Appendix A HELM BEAN AND SEED WAREHOUSE, INC. Original Page 1

Helm Bean and Seed Warehouse, Inc., 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 in Fresno County, as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
In the vicinity of Helm	31,000

(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.

Decision No. 73674, Application No. 49718.