

ORIGINAL

Decision No. 73854

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of DANIEL C. FESSENDEN COMPANY,)
a corporation, doing business as)
CALIFORNIA WAREHOUSE CO., to)
transfer the location of its)
business and operations as a)
public warehouseman from the City)
of Los Angeles to the City of)
Vernon.)

Application No. 49966
(Filed January 22, 1968)

O P I N I O N

Daniel C. Fessenden Company, a corporation doing business as California Warehouse Co., requests authority to transfer the location of its public warehouse from the City of Los Angeles to the City of Vernon. There are no protests to the application.

Applicant is engaged in business and operations as a public warehouseman under operating authority which originated in operations conducted by a predecessor in interest on and prior to August 8, 1927, and acquired by applicant by authority of the Commission in Decision No. 57384, in Application No. 40342.

Applicant is also engaged in operations as a highway common carrier in the Los Angeles area under a certificate of public convenience and necessity acquired by it by authority of the Commission in Decision No. 70086, in Application No. 48006.

Applicant's present public warehouse is located at 1248 Wholesale Street, Los Angeles, California. Applicant's lease on said property is terminating and applicant will be required to vacate said property on or prior to March 31, 1968. Applicant has obtained new warehouse facilities located at 4455 Fruitland Avenue, in the City of Vernon, California. Applicant proposes to transfer

its business and operations as a public warehouseman to the new facilities in the City of Vernon between February 1, 1968 and March 31, 1968. It is alleged that the proposed transfer will not result in any material change in the business or the operations of applicant, except as to location, and there will be no change in personnel or management.

The application further alleges that the warehouse and storage space used by applicant and by its predecessors in interest has varied from time to time and has ranged from approximately 155,000 square feet to in excess of 200,000 square feet. The new facilities to be used by applicant in the City of Vernon contain 195,000 square feet of space. The operating authorities of applicant and its predecessors in interest have not specified the amount of storage and warehouse space permitted to be used, and applicant requests that the amount thereof be fixed at 195,000 square feet at the new facilities located in the City of Vernon.

After consideration the Commission finds that:

1. The proposed transfer of the location of the public warehouse would not be adverse to the public interest.
2. Public convenience and necessity no longer require operation of the Los Angeles warehouse.
3. Public convenience and necessity require that applicant operate a public warehouse at Vernon.
4. A public hearing is not necessary.

The Commission concludes that the application should be granted. The order which follows will provide for the revocation of the operative right presently held by applicant and the issuance of a certificate of public convenience and necessity to applicant.

Daniel C. Fessenden Company 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 at 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.

The authorization herein granted shall not be construed as a finding of the value of the rights and properties herein authorized to be transferred.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Daniel C. Fessenden Company, a corporation doing business as California Warehouse Co., 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. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the operative right acquired by Decision No. 57384 which operative right is revoked subject to the following conditions:

- (a) Applicant shall cause to be prepared and to be mailed or otherwise delivered to each of its storage patrons on or before twenty days after the effective date of this order, a true and complete copy of this order.

- (b) Applicant shall, at the direction of the owner of any property remaining in storage at its Los Angeles warehouse, transport such property to any available public warehouse at the expense of applicant and at no expense or risk to the owner of the property transported.
- (c) Applicant shall, promptly on removal of all stored property from its Los Angeles warehouse:
 - 1. File with the Commission a verified statement that it has fully complied with conditions a to b, inclusive, and,
 - 2. Cancel its rates on file with the Commission governing warehouse operations at Los Angeles.

3. Daniel C. Fessenden Company shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the warehouse operations herein to show that it has made said rates and rules effective at the new location. 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 commencement of business at the new address. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 61-A.

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

- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of this order, including all the provisions and conditions thereof.

(b) 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.

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

Dated at San Francisco, California, this 19th day of MARCH, 1968.

[Signature]
President

[Signature]

[Signature]

[Signature]

[Signature]
Commissioners

ds

Appendix A

DANIEL C. FESSENDEN COMPANY Original Page 1
(a corporation)

Daniel C. Fessenden Company, a corporation doing business as California Warehouse 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 as warehouse floor space, as follows:

<u>Location</u>	<u>Number of Square Feet Of Floor Space</u>
Vernon	195,000

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

Issued by California Public Utilities Commission.

Decision No. 73854, Application No. 49966.