

ORIGINAL

Decision No. 74735

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of UNION ICE & STORAGE COMPANY,
a corporation, for authorization
to increase warehouse space to
59,570 square feet in the vicinity
of Vernon or Bandini, Los Angeles
County, California.)

) Application No. 50177
) (Filed April 17, 1968)

O P I N I O N

Union Ice & Storage Company is a corporation engaged in the operation of public utility cold storage warehouses in the State of California and operates a plant in the vicinity of Vernon or Bandini in Los Angeles County, California.

Applicant's operations at this location are conducted pursuant to the Commission's Order Determining Warehouse Operative Rights, dated June 14, 1960, in Case No. 6533. Applicant is authorized to operate 38,820 square feet of floor space in the vicinity of Vernon or Bandini in Los Angeles County. Applicant, from time to time, has increased its warehouse space at this location and is presently operating 59,570 square feet.

Applicant requests a certificate of public convenience and necessity authorizing applicant to operate 59,570 square feet of warehouse space in the vicinity of Vernon or Bandini, Los Angeles County, California, pursuant to Section 1051 of the Public Utilities Code of the State of California, without limiting the expansion permissible under Section 1051 of the Public Utilities Code.

Applicant proposes no change by this application in rates and rules, and will continue the same as contained in California Warehouse Tariff Bureau Cold Storage Warehouse Tariff No. 2-H Cal. P.U.C. No. 210, Jack L. Dawson, Agent.

A financial statement and balance sheet dated December 31, 1967, are attached to the application which show that applicant has the financial ability to conduct the proposed operations. Total assets listed amounted to \$1,396,567.15 and net income for the year was \$60,324.87.

Applicant alleges that public convenience and necessity require the proposed expansion of operations and that future expansion at the above location is anticipated in response to increased demands of applicant's customers for storage.

Applicant alleges that it has mailed a copy of the application to three other warehousemen in the area and to the Pacific States Cold Storage Warehousemen's Association. The application was listed on the Commission's Daily Calendar of April 18, 1968. No protests to the application 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.

Union Ice & Storage Company, a 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 Union Ice & Storage Company, 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 B attached hereto and made a part hereof.
2. In providing service pursuant to the certificate herein granted, applicant shall within thirty days after the effective date hereof, file a written acceptance of the certificate herein granted.
3. Effective concurrently with the date that compliance with the provisions of paragraph 2 hereof is accomplished, the operative authority of Union Ice & Storage Company as a public utility warehouseman in the vicinity of Vernon or Bandini in Los Angeles County is revoked and Appendix A to Decision No. 68166 in Application

A. 50177 ds *

No. 46936 is further amended by incorporating therein Second Revised Page 1, attached hereto, in revision of First Revised Page 1.

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

Dated at San Francisco, California, this 1st day of OCTOBER, 1968.

William J. Sweeney
President

Stallman La Bernard

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Fred P. Moussey
Commissioners

Union Ice & Storage Company possesses a prescriptive operative right as a public utility warehouseman for the operation of storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Chico	3,125
Oxnard	19,725
Santa Cruz	15,682

(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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Union Ice & Storage Company, 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 as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
In the vicinity of Vernon or Bandini, Los Angeles County	59,570

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

(End of Appendix B)

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