

ORIGINAL

Decision No. 74819

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of LOS ANGELES COLD  
STORAGE COMPANY, a corporation,  
for a Certificate of Public  
Convenience and Necessity to  
operate as a cold storage ware-  
houseman in Los Angeles County.

Application No. 50503  
(Filed August 23, 1968)

O P I N I O N

Los Angeles Cold Storage Company (applicant) possesses prescriptive rights as a public utility warehouseman to operate the following freezer and cooler warehouse space:

<u>Location</u>	<u>Square Feet</u>
85 East Glenarm Pasadena, California	3,140
1163 East Second Street Pomona, California	12,089
715 East Fourth Street Los Angeles, California	85,678
440 South Central Avenue Los Angeles, California	<u>50,640</u>
Total	151,547

By this application it seeks authority to operate an additional 66,500 square feet of freezer and cooler warehouse space adjacent to its 440 South Central Avenue warehouse in Los Angeles.

The applicant alleges that the additional space is the result of new construction; it will be completely modern in every respect; and it will meet all of Los Angeles city requirements.

Applicant will have a total of 218,047 square feet of freezer and cooler warehouse space dedicated to public utility storage in Los Angeles County. It states that it may seek to expand such freezer and cooler storage space pursuant to Section 1051 of the Public Utilities Code.

Applicant alleges that the additional storage space is being added to meet the needs and requirements of its public utility storage accounts and that it knows of no competing warehouses which would be adversely affected if the application is granted.

Applicant's rates and charges are published in California Warehouse Tariff Bureau Cold Storage Warehouse Tariff No. 2-H, Cal. P.U.C. No. 210, of Jack L. Dawson, Agent, which rates and charges it will continue to apply in the new facilities.

A copy of the application was served on the Los Angeles Warehousemen's Association prior to August 22, 1968. The application was listed on the Commission's daily calendar on August 24, 1968. No objections have been received by this Commission.

#### Findings

The Commission finds that:

1. Applicant has a total of 151,547 square feet of freezer and cooler storage space at warehouses in Pasadena, Pomona and Los Angeles, California, in which it stores merchandise for the public generally. It will add 66,500 square feet of freezer and cooler storage space adjacent to its 440 South Central Avenue warehouse in Los Angeles.

2. Applicant has the necessary finances and experience to conduct the proposed operation.

3. Public convenience and necessity require that applicant be granted a certificate of public convenience and necessity as a public utility warehouseman, as defined in Section 239(b) of the Public Utilities Code, for the operation of 218,047 square feet of freezer and cooler storage space as set forth in Appendix A hereto.

4. A public hearing is not necessary.

#### Conclusion

The Commission concludes that the application should be granted subject to the requirements of the order herein.

The certificate herein granted shall be subject to the following provision of law:

The Commission shall have no power to authorize the capitalization of the right to be a corporation, or the capitalization of any franchise or permit, or the right to own, operate, or enjoy any such franchise or permit, in excess of the amount (exclusive of any tax or annual charge) actually paid to the State or to a political subdivision thereof as the consideration for the grant of such franchise, permit, or right. No contract for consolidation or lease shall be capitalized, nor shall any public utility issue any bonds, notes, or other evidences of indebtedness against or as a lien upon any contract for consolidation or merger.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Los Angeles Cold 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 for freezer and cooler purposes, as set forth in Appendix A attached hereto and made a part hereof.
2. The prescriptive rights which Los Angeles Cold Storage Company, a corporation, has for the operation of freezer and cooler storage space in Pasadena, Pomona and Los Angeles are revoked for restating, said revocation being effective concurrently with the commencement of the warehouse operations authorized by the preceding paragraph 1.
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.

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

Dated at San Francisco, California, this 15<sup>th</sup>  
day of OCTOBER, 1968.

William Symons, Jr.  
President  
John E. Mitchell  
William L. Bennett  
Avigaton  
Paul P. Morrissey  
Commissioners

Los Angeles Cold Storage Company, a corporation, 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 freezer and cooler storage warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Pasadena	3,140
Pomona	12,089
Los Angeles	202,818

(The floor space shown 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. 74819, Application No. 50503.