

Decision No. 74880**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of MARIO GIOVANNINI, doing business)
 as Union City Warehouse, for a)
 certificate of public convenience)
 and necessity to operate as a)
 warehouseman.)

Application No. 50475
 (Filed August 13, 1968)

O P I N I O N

Applicant Giovannini seeks a certificate of public convenience and necessity to operate 40,000 square feet of warehouse space in Union City, California. Authority to store general commodities with the exception of those requiring refrigeration is sought. The California Warehousemen's Association was served with a copy of the application on August 12, 1968. The application was listed on the Commission's Daily Calendar of August 13, 1968. No protest has been received.

Applicant alleges that he is not aware of any public warehouseman who operates in Union City and would thus be competitive. He further alleges that Union City has had a growth of 70% in population in nine years. The prognosis is for Union City and its sister cities in southern Alameda County (Fremont and Newark) to have continued rapid growth in industry, commerce and population.

In view of these facts and of the absence of protest, the Commission will grant this application.

The Commission finds that:

1. Applicant will have the facilities and has the personnel and financial resources to render the service proposed in the application.

2. Public convenience and necessity require that the application be granted.

3. A public hearing is not necessary.

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

Mario Giovannini 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 in particular communities. 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 only and is not to be considered 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 Mario Giovannini, 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. 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 he accepts the certificate of public convenience and necessity herein granted, he will be required, among other things, to file annual reports of his 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 five days after the effective date of this order on not less than five 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.

3. Applicant shall comply with the regulations of the California Department of Public Health concerning hazardous or toxic commodities by including in his tariff a rule reading substantially as follows:

"Hazardous or Toxic Commodities:

The warehouseman will not be required to accept for storage any commodity that will affect the rate of insurance on other merchandise in storage, or any commodity of a toxic nature which could contaminate other commodities in storage or be hazardous to the health of warehouse personnel. At warehouseman's option such hazardous or toxic commodities, when properly packaged and labeled to reduce contamination and health hazard to a minimum, may be accepted for storage in an area isolated from other

commodities subject to contamination. Any additional services in the way of warehouse labor or excessive use of space arising from isolation of such commodities will be charged to the storage account."

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 29th
day of OCTOBER, 1968.

William Symons, Jr.
President
John E. Githill
William L. Bennett
Augusta
Commissioners

Commissioner Fred P. Morrissey, being necessarily absent, did not participate in the disposition of this proceeding.

Mario Giovannini, 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 of general commodities (except those requiring refrigeration) for the operation of storage or warehouse floor space in Union City, Alameda County, as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
In Union City, Alameda County	40,000

(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. 74880, Application No. 50475.