

ORIGINAL

75438

Decision No. _____

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of DISTRIBUTORS CENTER)
 INC., a corporation, for authority)
 to abandon its operative right in)
 Huntington Park, California, and)
 vicinity and to cancel its tariffs)
 pertaining thereto; for a certifi-)
 cate of public convenience and neces-)
 sity to furnish public warehouse)
 service in La Mirada, California, and)
 vicinity; and for authority to estab-)
 lish rates, charges, rules and)
 regulations therefor. }

Application No. 50837
(Filed January 23, 1969)

O P I N I O N

Distributors Center, Inc., is presently authorized to operate as a public utility warehouseman in Huntington Park pursuant to a prescriptive right authorizing operations in 6,000 square feet of space (Decision No. 70185 dated January 11, 1966 in Application No. 48093). By the application, as amended, applicant requests that its operating authority be revoked and a new certificate be issued authorizing operation as a public utility warehouseman in the same amount of space in La Mirada.

It is alleged that applicant has not provided service for the past twelve months because it has been unable to obtain adequate warehouse facilities in Huntington Park; it has recently arranged to lease 50,000 square feet of space in a modern warehouse located at 14381 Industry Circle, La Mirada; the Huntington Park and La Mirada communities are in the same commercial area of southeast Los Angeles County; there are no existing warehouse facilities in La Mirada and applicant has received numerous requests to provide service within the area.

The application was listed on the Commission's Daily Calendar of January 24, 1969; a copy of the application was served upon the Los Angeles Warehouseman's Association. No protest has been received.

After consideration the Commission finds that public convenience and necessity no longer require applicant's service as a public utility warehouseman in Huntington Park; its operating authority to serve said area will therefore be revoked. The Commission further finds that public convenience and necessity require applicant's service as a public utility warehouseman in 6,000 square feet of space in La Mirada. A public hearing is not necessary.

Distributors Center, 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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Distributors Center, 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. Applicant shall comply with the regulations of the California Department of Public Health concerning hazardous or toxic commodities by including in its tariff a rule reading substantially as follows:

Hazardous or Toxic Commodities:

The warehouseman will not be required to accept for storage 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.

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. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the prescriptive right as set forth in Decision No. 70185 dated January 11, 1966 in Application No. 48093, which authority is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

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

Dated at San Francisco, California, this 18th day of MARCH, 1969.

William Lyons, Jr.
President
Angela
Fred P. Morrissey
J. P. [unclear]
Commissioners

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.

Distributors Center, 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 as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
La Mirada	6,000

(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.

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