

hjh

ORIGINAL

Decision No. 75476

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Arne Jalonen,  
DBA: Jalonen Warehouse Company  
and  
Dallas M. Kellog and George Steib,  
DBA: Westcoast Storage and Warehouse.

Application No. 50877

O P I N I O N

Arne Jalonen, doing business as Jalonen Warehouse Company, requests authority to sell and transfer, and Dallas M. Kellog and George Steib, doing business as Westcoast Storage and Warehouse, request authority to purchase and acquire, an operative right authorizing operations as a public utility warehouseman in Porterville, and certain real property.

The operative right is prescriptive in nature and was set forth in a Commission order dated June 28, 1960, in Case No. 6577 and authorizes operations in 70,000 square feet of space in Porterville as well as operations in Fresno.

The agreed consideration is \$50,000 payable as follows: \$26,000 in cash and the transfer of two parcels of real property valued at \$24,000. As of December 10, 1968, applicant buyer indicated a net worth in the amount of \$54,500.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is consummated, the revocation of the prescriptive operative right presently held by Arne Jalonen and the issuance of certificates in appendix form to Arne Jalonen, covering the Fresno phase of his operation, and the Porterville phase to Dallas M. Kellog and George Steib.

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

Dallas M. Kellog and George Steib are 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. 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. On or before December 1, 1969, Arne Jalonen may sell and transfer, and Dallas M. Kellog and George Steib, may purchase and acquire, the operative rights and property referred to in the application.

2. Within thirty days after the consummation of the transfer herein authorized, Dallas M. Kellog and George Steib shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

3. Dallas M. Kellog and George Steib shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the warehouse operations herein to show that they have adopted or established, as their own, said rates and rules. 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 consummation of the transfer herein authorized. 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. Failure to comply with and observe the provisions of General Order No. 61-A may result in a cancellation of the operating authority granted by this decision.

4. In the event the transfer authorized in paragraph 1 hereof is consummated, certificates of public convenience and necessity are granted to Arne Jalonen, and Dallas M. Kellog and George Steib, as public utility warehousemen, as defined in Section 239(b) of the Public Utilities Code, for the operation of storage or warehouse floor space as set forth in Appendices A and B attached hereto and made a part hereof.

5. The certificates of public convenience and necessity granted in paragraph 4 of this order shall supersede the prescriptive authority set forth in Commission order dated June 28, 1960, in Case No. 6577, which authority is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof.

6. In providing service pursuant to the certificates herein granted, applicants 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.

Within thirty days after the effective date hereof, applicants shall file written acceptances of the certificates herein granted. Applicants are placed on notice that, if they accept the certificates of public convenience and necessity herein granted, they will be required, among other things, to file annual reports of their operations.

7. Applicants shall comply with the regulations of the California Department of Public Health concerning hazardous or toxic commodities by including in their 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.

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

Dated at San Francisco, California, this 25<sup>th</sup> day of MARCH, 1969.

William J. ...  
President  
...  
...  
...  
Commissioners

Dallas M. Kellog and George Steib, by the certificate of public convenience and necessity granted in the decision noted in the margin, are 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>
Porterville	70,000

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

Issued by California Public Utilities Commission.

Decision No. 75476, Application No. 50877.

Arne Jalonen, 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>
Fresno	10,000

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

Issued by California Public Utilities Commission.

Decision No. 75476, Application No. 50877.