

**ORIGINAL**

Decision No. 75680

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of STATE FISH CO., INC.  
a California Corporation for a  
Certificate of Public Convenience  
and Necessity to Operate a Warehouse.

Application No. 50428  
(Filed July 24, 1968)  
(Amended March 20, 1969)

O P I N I O N

By the amended application herein Fiesta Del Mar Frozen Foods replaces State Fish Co., Inc. as applicant and requests a certificate of public convenience and necessity to operate a warehouse in the Wilmington area of the City of Los Angeles.

The application states that Fiesta Del Mar Frozen Foods, a California corporation, is the lease-holder and operator of a cold storage facility located at 1130 C Street, Wilmington, which State Fish Co., Inc. has constructed and owns. The facility includes a cold room containing 9,925 square feet of floor area, a 25' by 40' tunnel freezer, and areas for packing, truck docking and other purposes. Applicant proposes to use one-half of the floor area of the cold room for freezing and storage of fishery products for public use and to retain the remaining half for its private and personal use.

Applicant alleges that similar cold storage facilities in the Los Angeles - Long Beach harbor area are insufficient to

service the demands of holding, packaging and freezing of firms situated in this area and vicinity. Available facilities are those of Union Ice and Cold Storage Co. and California Ice and Cold Storage Co.

Applicant further alleges that the holders of its outstanding capital stock have been in the wholesale fresh fish business for more than twenty years and that its proforma earnings for year 1969 are \$5,442 after expenses of \$214,558 on sales of \$220,000.

Notice of the filing of the amended application herein was set forth in the Commission's Daily Calendar of March 24, 1969. Copies of the amended application were mailed to Union Ice and Storage Co., Terminal Refrigeration Co., Los Angeles Cold Storage Co., Federal Ice and Cold Storage Co., California Ice and Cold Storage Co., Pacific Cold Storage Co., Inc., U.S. Growers Cold Storage Co. and Los Angeles Warehousemen's Association. No protests have been received.

After consideration the Commission finds that:

1. Applicant possesses the experience and financial resources to institute and maintain the proposed service.
2. Public convenience and necessity require that the proposed service be authorized.

A public hearing is not necessary.

The Commission concludes that the application should be granted as set forth in the ensuing order.

.. Fiesta Del Mar Frozen Foods 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 at a particular location. 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 Fiesta Del Mar Frozen Foods, a corporation, as a public utility warehouseman, as defined in Section 239(b) and food warehouseman as defined in Section 2508, of the Public Utilities Code, for the operation of cold storage 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 or 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, Fiesta Del Mar Frozen Foods 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 20<sup>th</sup> day of MAY, 1969.

William Symon, Jr.  
President

August

Harold P. Monahan  
(H. P. Monahan)

[Signature]  
Commissioners

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Appendix A

FIESTA DEL MAR FROZEN FOODS

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Fiesta Del Mar Frozen Foods, a corporation, is authorized to operate as a public utility warehouseman and food warehouseman as defined in Sections 239(b) and 2508 of the Public Utilities Code as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Wilmington (City of Los Angeles)	4,463

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. 75680, Application No. 50428.