

Decision No. 75768

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 BERNARD J. HECHT, DBA,  
 RICHMOND DISTRIBUTION CENTER,  
 For a certificate of public convenience  
 and necessity authorizing operation as  
 a public warehouse at Richmond,  
 California.

Application No. 50968  
(Filed March 26, 1969)

O P I N I O N

Applicant seeks a certificate of public convenience and necessity to engage in the business of a warehouseman as defined by Section 239(b) of the Public Utilities Code.

The application alleges that applicant is now engaged in the business of leasing space as a private warehouseman utilizing a building of 120,000 square feet located at 1500 South 26th Street in Richmond. The application proposes to dedicate 5,000 square feet to public use.

The premises are served by a rail spur of the AT&SF Ry. Co. which can accommodate sixteen cars; the location also provides space for fifty trucks. Applicant holds a twenty year lease (commencing December 1, 1968) on the building.

Applicant's most recent profit and loss statement shows for the year ending November 31, 1968 operating revenue of \$225,197.00 with accompanying expense of \$191,913.00.

If certificated, applicant plans to become a member of the California Warehouseman's Association and to participate in its tariffs.

It is further alleged that there is a need for this public warehouse in the area in question.

A copy of the application was served on California Warehouseman's Association; filing of the application was noted on the Commission's Daily Calendar of March 27, 1969. No protests have been received. Accordingly, public hearing does not appear necessary.

The Commission finds:

1. Applicant possesses the requisite financial ability and equipment to institute and maintain the proposed service.
2. Public convenience and necessity require the issuance of the certificate.

The Commission concludes that the application should be granted.

Bernard J. Hecht 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, these 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. A certificate of public convenience and necessity is granted to Bernard J. Hecht, 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 in 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.

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 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 10<sup>th</sup> day of JUNE, 1969.

William J. Sproul  
President

Donald P. Monroese  
R. M. [unclear]

[Signature]  
Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.

Bernard J. Hecht, 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>
Richmond	5,000

(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.

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