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Decision No. 76942

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of COR-O-VAN)
CORPORATION for authorization)
for increase of authorized)
public utility warehouse)
operations and for partial)
transfer of location of)
existing facilities.)

Application No. 51698
(Filed February 9, 1970)

O P I N I O N

Cor-O-Van Corporation requests authority to operate as a public utility warehouseman in 5,000 square feet of space in the township of Lemon Grove, San Diego County.

Applicant is presently conducting operations as a public utility warehouseman in 5,000 square feet of space in Coronado. It recently completed construction of a new additional warehouse located at 6700 Federal Boulevard in the township of Lemon Grove. The new facility is a steel building consisting of 50,000 square feet of storage space equipped with sprinklers and is approximately five miles from applicant's existing warehouse.

It is alleged that there are no public warehouse facilities in the area and the additional space will enable applicant to better serve its present customers.

Copies of the application were served upon all public utility warehouses serving in San Diego County including the California Warehousemen's Association. The application was listed on the Commission's Daily Calendar of February 10, 1970. No protest has been received.

After consideration the Commission finds that public convenience and necessity require the granting of the application. A public hearing is not necessary.

Cor-O-Van Corporation is hereby placed on notice that the 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. A certificate of public convenience and necessity is granted to Cor-O-Van Corporation, 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. 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.

3. Applicant shall comply with the regulations of the California Department of Public Health concerning hazardous or toxic commodities and shall include 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.

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4. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the prescriptive operative right applicant was found to possess by Case No. 6882 dated August 23, 1960 as amended by Decision No. 65843 dated August 6, 1963 in Case No. 6882, which operative right is revoked concurrently with the effective date of the tariff filings required by Paragraph 2(b) hereof.

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

Dated at San Francisco, California, this 17th
day of MARCH, 1970.

William S. Johnson
President

August

William J.

John

Thomas L. Stearns

Commissioners

Cor-O-Van Corporation, a corporation, 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 as defined in Section 239(b) of the Public Utilities Code for the operation of warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Coronado	5,000
Lemon Grove	5,000

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

(END OF APPENDIX A)

Issued by California Public Utilities Commission.

Decision No. 76942, Application No. 51698.