

Decision No. 77733

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 MERCHANTS REFRIGERATING COMPANY OF
 CALIFORNIA, a corporation, for an
 order authorizing Applicant to
 cease operation in 44,574 square
 feet of space at San Jose and
 Santa Clara, California.

Application No. 52183
 (Filed September 4, 1970)

O P I N I O N

Merchants Refrigerating Company of California, presently conducting operations as a public utility warehouseman in Modesto, Salinas, San Jose and Santa Clara, requests authority to discontinue service in 44,574 square feet of space in San Jose and Santa Clara.

Applicant operates two warehouses in the Cities of San Jose and Santa Clara. One is located at 701 Campbell Avenue, Santa Clara (Building A) and the other is located at 1260 Campbell Avenue, San Jose (Building B) and is actually located partly in the City of San Jose and partly in the City of Santa Clara. Applicant has recently negotiated the sale of Building B and the sale is conditioned upon the release of said building and property from its dedication to the public use.

It is alleged that for the past several years the occupancy of Building B has diminished and that the public need for applicant's service in Santa Clara can be satisfied through the utilization of Building A.

After consideration the Commission finds that public convenience and necessity no longer require applicant's services as a public utility warehouseman in 44,574 square feet of space in the Cities of San Jose and Santa Clara and that the sale of Building B

would not be adverse to the public interest. A public hearing is not necessary. The order which follows will restate the operating authority of applicant in appendix form.

O R D E R

IT IS ORDERED that:

1. After the effective date hereof and upon the condition that applicant bears the expense of moving the goods of its customers to its warehouse located at 701 Campbell Avenue, Santa Clara, or to a warehouse of its customers' choice within the San Jose-Santa Clara area, Merchants Refrigerating Company of California is authorized to discontinue service as a public utility warehouseman at 1260 Campbell Avenue, San Jose, California.

2. A certificate of public convenience and necessity is granted to Merchants Refrigerating Company of California 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.

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 one day after the effective date of this order on not less than one day's 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. 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.

5. The certificate of public convenience and necessity granted in paragraph 2 shall supersede all of the operating authority heretofore held by Merchants Refrigerating Company of California including all prescriptive rights including that set forth in Commission orders dated June 20, 1960 and June 28, 1960 in Cases Nos. 6554 and 6574,

respectively, as well as the authority granted by Decision No. 65469 dated May 28, 1963 in Application No. 45235.

The effective date of this order shall be the date hereof.

Dated at Los Angeles, California, this 15th day of SEPTEMBER, 1970.

[Signature]
Chairman

[Signature]

[Signature]
Commissioners

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

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

Merchants Refrigerating Company of California is authorized to operate 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 follows:

<u>Location</u>	<u>No. of Square Feet of Floor Space</u>
Santa Clara	145,440
Salinas	24,500(1)
Modesto	146,403

(1) Limited to cold storage warehouse floor space only.

(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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