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Decision No. 77919

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
TRULOVE TRANSFER & STORAGE, INC., a
corporation, for authorization to
operate as a public warehouseman in
Gardena, California, and for
authorization to cease operations
at Hawthorne, California.

Application No. 52138
(Filed August 14, 1970)

O P I N I O N

Applicant is a California corporation having its principal place of business in Gardena, California. Its Articles of Incorporation were filed with the Commission in Application No. 47661 (Decision No. 69384).

Applicant operates as a highway common carrier and a permitted carrier in the State of California. Decision No. 71653 dated December 6, 1966, in Application No. 48441 authorized applicant to operate 6,200 square feet of warehouse floor space in Hawthorne, exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.

Applicant operated its warehouse in Hawthorne, California, until November 1, 1969, when applicant was evicted and moved its operation to 1441 West 132nd Street, in the City of Gardena, California. Applicant had five accounts while located at Hawthorne and has the same five accounts at Gardena; the goods stored were moved to the new location at applicant's expense. Applicant now requests a certificate of public convenience and necessity to

authorize applicant to operate 6,200 square feet of warehouse space in Gardena, Los Angeles County, California, without limiting the expansion permissible under Section 1051 of the Public Utilities Code. Applicant further requests authorization to discontinue operations at Hawthorne, under Section 701 of the Public Utilities Code. Applicant will continue to operate under the provisions of California Warehouse Tariff Bureau, Warehouse Tariff No. 28-A, Cal. P.U.C. 193, Jack L. Dawson, Agent. Applicant's December 31, 1969 balance sheet is attached to the application. It shows applicant's financial stability and that its operations have been profitable.

Applicant alleges that an extended effort was made to find another location in Hawthorne, without success; applicant thereupon was forced to move to Gardena and now has a long term lease on a modern warehouse building with 8,000 square feet of storage and 2,000 square feet of available office space. A copy of the application was mailed to the Los Angeles Warehousemen's Association. The application was listed on the Commission's Daily Calendar. No protests have been filed.

After consideration, the Commission finds that:

1. Applicant operated a public utility warehouse in Hawthorne until November 1, 1969, when applicant was forced to move out of the premises it occupied.
2. Applicant opened a new warehouse in Gardena, after a lengthy search failed to discover adequate facilities in Hawthorne.
3. Applicant should be granted authority to operate a public utility warehouse of 6,200 square feet at 1441 West 132nd Street, Gardena, California.

4. Applicant should be authorized to publish and file the rates contained in California Warehouse Tariff Bureau, Warehouse Tariff No. 28-A, Cal. P.U.C. 193, Jack L. Dawson, Agent.

5. Public convenience and necessity no longer require warehouse facilities at the old location.

6. Applicant possesses the experience, equipment, personnel and financial resources to initiate and maintain the proposed service.

7. Public convenience and necessity require that the application be granted as set forth in the ensuing order.

8. Applicant should be granted a new certificate. The original certificate which authorized the Hawthorne warehouse should be revoked.

9. A public hearing is not necessary.

Based on the foregoing findings of fact, the Commission concludes that the application should be granted.

Trulove Transfer & Storage, Inc. 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 over a particular route. 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 Trulove Transfer & Storage, Inc., 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.

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3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 71653, which certificate is revoked effective 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 10th day of NOVEMBER, 1970.

Chairman
Edward

William J. ...

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Commissioners

Commissioner J. P. Vakasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Trulove Transfer & Storage, Inc., a corporation, by the certificate of public convenience and necessity granted by 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 storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Gardena	6,200

(The floor space shown above is exclusive of the 50,000 square feet of expansion permissible under Section 1051 of the Public Utilities Code.)

(End of Appendix A)

Issued by California Public Utilities Commission.

Decision No. 77919, Application No. 52138.