

ORIGINAL

Decision No. 77992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)

(a) COMMERCE WAREHOUSE COMPANY, a corporation, for authorization to operate as a public warehouseman in La Mirada, California;

(b) For authorization to cease operations at City of Commerce, California; and

(c) To extend or increase storage or warehouse floor space from 45,000 square feet to 100,000 square feet, pursuant to Section 1051 of the California Public Utilities Code.

Application No. 52139  
(Filed August 14, 1970)

O P I N I O N

Applicant requests authority to transfer its public utility warehouse from Commerce to La Mirada and to increase its storage space from 45,000 to 100,000 square feet. Applicant has 12 customers in Commerce who have agreed that applicant can move their stored goods to the new warehouse at applicant's expense. Applicant has also had numerous requests from new customers for storage space at the La Mirada warehouse, which is being constructed and will be a modern tilt-up concrete warehouse of approximately 124,500 square feet, with a six-car rail track and a truck-high dock, located on a paved 10.3 acre lot next to the new terminal of applicant's parent company, G. I. Trucking Company. Applicant alleges that the move to the new facility will extend over several months and should be completed by January 15, 1971.

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Applicant operates in Commerce, California, pursuant to a certificate of public convenience and necessity granted by Decision No. 74321, dated July 2, 1968 in Application No. 50173. It is authorized to operate in 45,000 square feet of warehouse floor space, exclusive of the expansion permissible under Section 1051 of the Public Utilities Code. Applicant has adopted and 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 and profit and loss statement are attached to the application. They show applicant's financial stability and that its operations have been profitable. A copy of the application was mailed to the Los Angeles Warehousemen's Association and to the only warehouse already operating in La Mirada and no protests have been filed. A public hearing is not necessary.

After consideration the Commission finds that:

1. Applicant should be authorized to cease operations in Commerce and to move its public utility warehouse to La Mirada, California.
2. Public convenience and necessity no longer require regular warehouse facilities at the old location.
3. Public convenience and necessity require additional warehouse facilities at the new location.
4. Applicant possesses the experience, equipment, personnel and financial resources to initiate and maintain the proposed service.
5. 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.

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

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

Applicant 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. 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 Commerce Warehouse Company, 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.

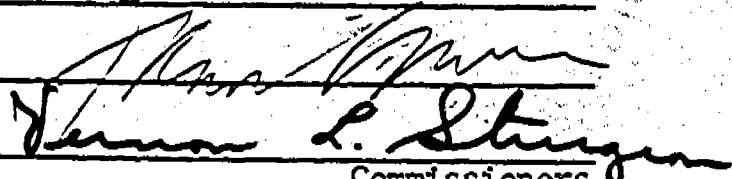
- (a) Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted. Applicant is placed on notice that, if it accepts the certificate of public convenience and necessity herein granted, it will be required, among other things, to file 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. 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. 74321, 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 Los Angeles, California, this 1st day of DECEMBER, 1970.

  
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Chairman

  
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Commissioners

-4- Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commerce Warehouse Company, 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 storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
La Mirada	100,000

(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.

Decision No. 77992, Application No. 52139.