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ORIGINAL

Decision No. 78574

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
BAY CITIES WAREHOUSE COMPANY, INC.,
a California corporation, to Obtain
a Certificate of Public Convenience
and Necessity for the Operation of
a Public Warehouse in Hayward,
California.

Application No. 52461
(Filed February 19, 1971)

O P I N I O N

Bay Cities Warehouse Company, Inc., presently providing service as a public utility warehouseman in Emeryville, requests authority to extend service to the City of Hayward.

Applicant proposes to construct a new warehouse consisting of 55,000 square feet of storage space at 31474 Hayman Street in the City of Hayward. The building will be designed to store general commodities except for those which require refrigeration. As of January 31, 1971, applicant indicated a net worth in the amount of \$155,267.

It is alleged that the Hayward area is experiencing a substantial industrial growth and development; that the population growth will be further increased upon the completion of the Bay Area Rapid Transit project; that in order to comply with the suggestion of the Pacific Fire Rating Bureau of San Francisco, applicant recently dropped its pile height load to three feet below the sprinkler heads at its Emeryville location; that the effect thereof has resulted in a loss of 235,000 cubic feet of usable space; that many of applicant's accounts could be better served at the Hayward location; and that the Emeryville warehouse could be used for those warehouse accounts in Emeryville whose commodities are not suitable for piling.

Attached to the application are a number of letters addressed to the Commission from various business concerns doing business in the Hayward area which recommend favorable consideration of applicant's requested authority to extend service.

Copies of the application were served upon the California Warehousemen's Association and the Warehousemen's Association of the Port of San Francisco. 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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Bay Cities Warehouse Company, 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.

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.

4. 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. 64777, which

certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) hereof.

Chairman

Chairman
William Synnott

Vernon L. Sturgeon

Commissioner

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

Bay Cities Warehouse Company, Inc., 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>
Emeryville	33,000
Hayward	55,000

(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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