

Decision No. 78956**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of EUGENE J. SEIB, an individual,)
doing business as G. S. Trucking,)
for a certificate of public con-)
venience and necessity to engage)
in warehouse operations of special)
commodities within the City and)
County of San Francisco, California.)

Application No. 52673
(Filed June 8, 1971)

O P I N I O N

Eugene J. Seib, doing business as G. S. Trucking, requests a certificate of public convenience and necessity to operate a public utility warehouse for the storage of new crated and uncrated furniture in 20,000 square feet of space in the City of San Francisco.

Applicant proposes to sublease from Republic Van & Storage Company a one-story metal building having facilities for his loading and unloading of rail cars and trucks.

It is alleged that applicant is presently operating as a radial highway common carrier; that for the past three years he has specialized in the business of unloading, storing and distributing rail car shipments of new furniture; that some of the furniture is shipped in full cars for direct delivery; that in certain instances furniture is placed in storage pending receipt of sales orders for delivery; and that applicant proposes to store only new crated and uncrated furniture and parts, thereof, of universal description as applied to the furniture trade.

Copies of the application were served upon all public utility warehouses in San Francisco, except cold storage companies and upon the California Warehousemen's Association. No protest has been received.

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

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 Eugene J. Seib, doing business as G. S. Trucking, as a public 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 he accepts the certificate of public convenience and necessity herein granted, he will be required, among other things, to file annual reports of his 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.

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

Dated at San Francisco, California, this 27th day of JULY, 1971.

Chairman

Mr. Philip ...

Alan ...

John ...

Commissioners

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

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

Eugene J. Seib, doing business as G. S. Trucking, 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, restricted to furniture and commodities generally handled in connection with the furniture business, as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
City and County of San Francisco	20,000

(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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