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ORIGINAL

Decision No. 79233

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
CONSOLIDATED CALIFORNIA TERMINALS,  
INC., a California corporation, to  
sell, and COASTAL TERMINALS, INC.,  
a California corporation, to purchase,  
Certificate of Public Convenience  
and Necessity Authorizing Service  
as a Public Utility Warehouse.

Application No. 52816  
(Filed August 19, 1971;  
Amended August 30, 1971)

O P I N I O N

By their application as amended, Consolidated California Terminals, Inc. requests authority to sell and transfer, and Coastal Terminals, Inc. requests authority to purchase and acquire, a certificate of public convenience and necessity authorizing operations as a public utility warehouseman in the City of San Jose.

The certificate was granted by Decision No. 77392 dated June 23, 1970, in Application No. 51460. The agreed cash consideration is \$7,500.

Applicant purchaser is presently engaged in leasing out facilities for warehouse and transportation operations. As of April 30, 1971, it indicated a net worth in the amount of \$11,489.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest and concludes that it should be authorized. A public hearing is not necessary. The order which follows will provide for, in the event the transfer is consummated, the revocation of the certificate presently held by Consolidated California Terminals, Inc. and the issuance of certificates in appendix form to Coastal Terminals, Inc. and Consolidated California Terminals, Inc.

Applicants are 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. On or before May 1, 1972, Consolidated California Terminals, Inc. may sell and transfer, and Coastal Terminals, Inc., may purchase and acquire, the operative rights referred to in the application relating to the City of San Jose.

2. Applicant seller shall, at the direction of the owner of any property in storage at the present location, transport such property to the new facility of purchaser or any available public utility warehouse in the vicinity of San Jose at the expense of applicant seller and at no expense or risk to the owner of the property transported.

3. Purchaser 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. Within thirty days after the consummation of the transfer herein authorized, purchaser shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer.

5. Purchaser shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the warehouse operations herein to show that it has adopted or established, as its own, said rates and rules. 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 consummation of the transfer herein authorized. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 61-A. Failure to comply with and observe the provisions of General Order No. 61-A may result in a cancellation of the operating authority granted by this decision.

6. In the event the transfer authorized in paragraph 1 hereof is consummated, certificates of public convenience and necessity are granted to Coastal Terminals, Inc., a corporation, and Consolidated California Terminals, Inc., as public utility warehousemen, as defined in Section 239(b) of the Public Utilities Code, for the operation of storage or warehouse floor space as set forth in Appendices A and B attached hereto and made a part hereof.

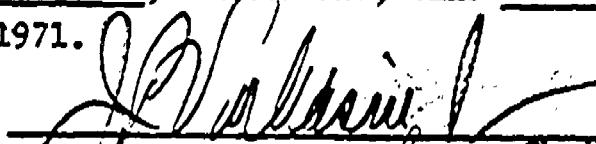
7. The certificates of public convenience and necessity granted in paragraph 6 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 77392, ✓

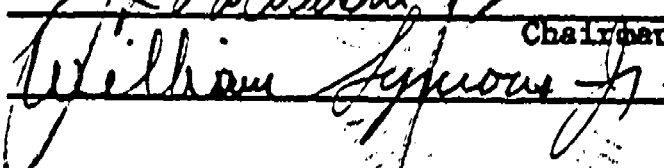
which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 5 hereof. ✓

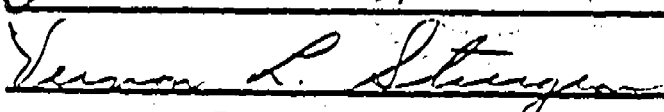
8. Within thirty days after the transfer herein authorized is consummated, applicants shall file written acceptances of the certificates herein granted. Applicants are placed on notice that, if they accept the certificates of public convenience and necessity herein granted, they will be required, among other things, to file annual reports of their operations.

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

Dated at San Francisco, California, this 13th day of OCTOBER, 1971.

  
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Chairman

  
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Commissioners

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

CONSOLIDATED CALIFORNIA  
TERMINALS, INC.  
(a corporation)

Consolidated California Terminals, Inc., 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>
Stockton	(1) 200,000

(1) Does not include cold storage or refrigerated commodities.

(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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Coastal Terminals, Inc., 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>
San Jose	120,000

(The floor space shown is exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.)

(END OF APPENDIX B)

Issued by California Public Utilities Commission.

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