

Decision No. 79892

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
MERCHANTS REFRIGERATING COMPANY OF  
CALIFORNIA, a corporation, for a  
certificate of public convenience  
and necessity authorizing extension  
of operations as a cold storage  
warehouseman at Modesto, California.

Application No. 53053  
(Filed December 15, 1971)

O P I N I O N

Applicant is a California corporation with its principal place of business at Daly Avenue, Modesto, Stanislaus County, California.

Applicant is engaged in business as a public utility warehouseman under the jurisdiction of the Commission at Modesto, Salinas and Santa Clara, California, in the cold storage of food commodities.

Applicant is authorized to operate in 146,403 square feet of floor space at Modesto. It is currently operating in 196,156 square feet of warehouse floor space.

Applicant proposes to construct additional warehouse space to provide 25,000 square feet more of storage area or a total of 221,156 square feet of warehouse floor space.

Applicant seeks authority to operate an additional 74,753 square feet in excess of its presently authorized 146,403 square feet.

Applicant's proposed new facilities, containing the 25,000 square feet of warehouse floor space, will be comprised of a single-story modern warehouse building. The estimated cost of the proposed facilities is \$450,000.00 which applicant will furnish itself with the assistance of applicant's parent company, Pet Incorporated. Applicant's parent company will advance such moneys to applicant as may be required. No promissory note or deed of trust will be issued by applicant in connection with the proposed construction.

Applicant's presently applicable rates, rules and regulations at its Modesto warehouse will be applicable in the new facilities. Applicant's present customers need additional facilities and have requested applicant to expand.

Applicant's present experienced personnel will manage and operate the proposed additional facilities.

A copy of the application was served upon Pacific States Cold Storage Warehousemen's Association. Notice of the filing of the application appeared in the Commission's Daily Calendar of December 17, 1971. No protests have been received. Public convenience and necessity require the additional warehouse floor space to permit applicant to operate in Modesto a total warehouse floor space of 221,156 square feet. A public hearing is not necessary. 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, these 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. Merchants Refrigerating Company of California, a corporation, is authorized to operate at Modesto in a total of 221,156 square feet of warehouse floor space.
2. Appendix A of Decision No. 79594, in Application No. 53001, is amended by incorporating Second Revised Page 1, attached hereto, in revision of First Revised Page 1.

3. Within thirty days after the effective date hereof, applicant shall file a written acceptance of the certificate herein granted.

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

Dated at San Francisco, California, this 17th day of April, 1972.

[Signature]  
Chairman  
[Signature]  
[Signature]  
[Signature]  
Commissioners

Merchants Refrigerating Company of California, 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>
Salinas	140,000 <sup>(1)</sup>
Modesto	221,156
Santa Clara	145,440

(1) Limited to cold storage warehouse floor space only.

(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.

Amended by Decision No. 79892, Application No. 53053.