

ORIGINAL

Decision No. 79959

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
 of GIBRALTAR WAREHOUSES, a
 corporation, for a certificate
 of public convenience and
 necessity authorizing operations
 as a public warehouseman at
 Union City, California.

Application No. 53201
 (Filed March 10, 1972)

O P I N I O N

Gibraltar Warehouses, presently providing service as a public utility warehouseman in the City and County of San Francisco, and as a highway common carrier in the transportation of general commodities between San Francisco, on the one hand, and points in the San Francisco Bay Area, on the other hand, requests authority to operate as a public utility warehouseman in 150,000 square feet of storage space at Union City.

Applicant proposes to operate under a twenty-five year lease, a modern single-story concrete warehouse of tilt-up construction, fully sprinklered, with office and dock facilities. The warehouse will be located on Dowe Avenue between Pacific Street and Atlantic Street in Union City, and is to be served by rail facilities of the Western Pacific Railroad.

Applicant presently operates in San Francisco under provisions of California Warehouse Tariff Bureau Warehouse Tariffs Nos. 48, 49 and 64, Cal. P.U.C. Nos. 219, 220 and 240. Applicant proposes to conduct warehouse operations at Union City under the same tariffs.

As of December 31, 1971, applicant indicated a net worth in the amount of \$249,924.

It is alleged that many of applicant's present warehouse customers will need its proposed service at Union City and have requested such services.

Copies of the application were served upon Mario Giovannini, doing business as Union City Warehouse, Union City, and upon the California Warehousemen's Association. 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. Applicant's operating authority as a public utility warehouseman will be restated in the form of a new certificate.

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. A certificate of public convenience and necessity is granted to Gibraltar Warehouses, 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 amend its tariffs on file to reflect the authority granted herein.
- (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.

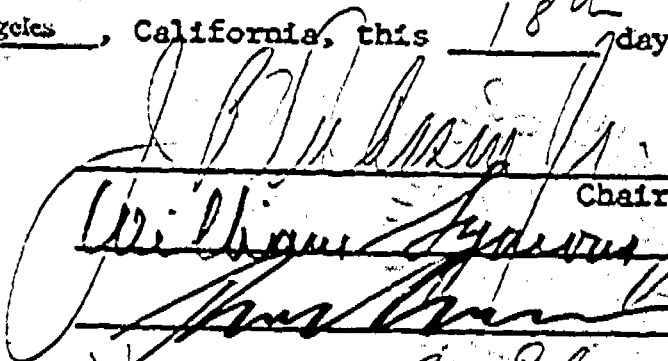

4. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 78959, dated July 27, 1971, in Application No. 52642, which certificate

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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 18th day
of APRIL, 1972.


Chairman

Commissioners

Gibraltar Warehouses, 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>
City and County of San Francisco	424,000
Union City	150,000

(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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