

ORIGINAL

Decision No. 79983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of

ROBERT B. O'NEIL, JR., doing
business as O'NEIL FILM &
TAPE STORAGE SERVICES, for
a Certificate of Public Con-
venience and Necessity under
Section 1051 of the Public
Utilities Code

Application No. 53136
(Filed February 9, 1972;
Amended February 28, 1972.)

O P I N I O N

Applicant, Robert B. O'Neil, Jr., doing business as O'Neil Film & Tape Storage Services, seeks a certificate of public convenience and necessity under Section 1051 of the Public Utilities Code to operate a public warehouse serving the Los Angeles metropolitan area, storing only exposed negative and positive film, video tapes, and audio tapes.

Applicant alleges that:

1. Applicant proposes to maintain such storage facility at 7365 Greenbush Avenue, North Hollywood, California, which is a Class "A" fireproof brick building with a floor space of approximately 2,300 square feet. Said storage facility will be sufficient to store approximately 55,000 "film cans" at any one time.
2. Applicant proposes to operate primarily in Los Angeles County or, in the alternative, in an area within a 50-mile radius of North Hollywood, California.

3. Applicant proposes to render its services only to the following types of businesses:

- (a) Advertising agencies;
- (b) Commercial film print services;
- (c) Motion picture producers, production facilities and studios;
- (d) Television stations and production facilities;
- (e) Commercial film laboratories.

Applicant proposes to enter into storage contracts with such entities to store exposed negative and positive print film, video tapes and audio tapes.

4. Applicant alleges he has conceived and devised a new and unique method of cataloging and indexing all film cans stored by applicant and included in applicant's storage charges will be the maintenance of and delivery to client of a complete catalogue and index of all articles stored for client's ready reference and referral. Applicant is informed and believes that no such similar service is presently provided by any entity with which applicant is likely to compete.

5. The rates and charges to be assessed by applicant are set forth in detail in Exhibit "C" attached to the application and provide for a minimum charge of \$5.00 per month and specific charges for storage of certain types of film listed in a rate guide and specific service charges to be assessed for other services not listed in the rate guide.

Applicant alleges he has received a substantial number of requests from various companies asking him to institute a warehouse operation in the San Fernando Valley for the storage of film.

Applicant alleges his net assets, after deduction for liabilities, include:

Cash in bank accounts	\$ 1,900.00
United States Government Bonds and negotiable stocks	1,925.00
Real Estate	11,300.00
Automobiles	3,900.00
Other miscellaneous assets	11,000.00

Applicant proposes to finance the initial operation of the business with applicant's personal funds, and no debt financing is presently contemplated, and alleges that this is sufficient.

Proof of service of a copy of the application upon the California Warehouseman's Association is on file. The application was listed on the Commission's Daily Calendar. No protest has been received.

The Commission finds that:

1. Applicant has the facilities, personnel and financial resources to render the service proposed in the application.
2. Public convenience and necessity require that the application be granted.
3. A public hearing is not necessary.

The Commission concludes that the application should be granted as provided by the following order.

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.

The action taken herein is for the issuance of a certificate of public convenience and necessity only and is not to be considered as indicative of amounts to be included in proceedings for the purpose of determining just and reasonable rates.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Robert B. O'Neil, Jr., doing business as O'Neil Film & Tape Storage Services, 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 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.

3. Applicant shall comply with the regulations of the California Department of Public Health concerning hazardous or toxic commodities and shall include in his 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.

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

Dated at San Francisco, California, this 24th day of APRIL, 1972.

William J. ... Chairman
...
...
... Commissioners

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Appendix A

Robert B. O'Neil (an individual)
dba O'NEIL FILM & TAPE STORAGE SERVICES

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Robert B. O'Neil, doing business as O'Neil Film & Tape Storage Services, 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 exposed negative and positive film, video tapes, and audio tapes, as follows:

Location
North Hollywood

Number of Square
Feet of Floor Space
2300

(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.

Decision No. 79983, Application No. 53136.