

Decision No. 80261

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
OVERMYER OF LA MIRADA, INC., a )  
corporation, for authorization to )  
operate as a public warehouseman in )  
La Mirada, California; and for )  
authorization to cease operations )  
at Dominguez, California. )

Application No. 53363  
(Filed June 1, 1972)

O P I N I O N

Overmyer of La Mirada, Inc. requests authority to discontinue operations as a public utility warehouseman in Dominguez and to commence such operations in La Mirada.

Applicant is presently conducting public utility warehouse operations in 10,000 square feet of space in Dominguez. It requests authority to transfer said operations to new facilities located at La Mirada. The new facilities, which applicant proposes to rent from an affiliated corporation, consist of a single-story, concrete building, fully sprinklered and containing 240,000 feet of warehouse floor space. Applicant proposes to operate 10,000 square feet of space as a public utility warehouseman and the remaining portion of the building will be leased to tenants.

It is alleged that applicant has operated as a public utility warehouseman in Los Angeles County for several years and would be able to more efficiently serve its customers at the new La Mirada facilities than at its present facilities at Dominguez.

Copies of the application were served upon the California Warehousemen's Association and the Los Angeles Warehousemen's Association. No protest has been received.

After consideration the Commission finds that public convenience and necessity no longer require applicant's service as a public utility warehouseman at Dominguez and that public convenience and necessity require applicant's service as a public utility warehouseman in 10,000 square feet of space at La Mirada. A public hearing is not necessary.

Overmyer of La Mirada, Inc. 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. Upon the condition that it bear the cost of moving the property of its storers to the new facilities at La Mirada or to a public warehouse of the customer's choice in the area of Dominguez, Overmyer of La Mirada, Inc. may discontinue operations in Dominguez.
2. A certificate of public convenience and necessity is granted to Overmyer of La Mirada, Inc., 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.
3. 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 with the Commission to reflect the authority herein granted.
- (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.

4. 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.

5. Concurrent with the tariff filings required by ordering paragraph 3(b) hereof the operating authority granted by Decision No. 77540, dated July 28, 1970, in Application No. 51966, is hereby revoked.

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

Dated at Los Angeles, California, this 18th day of JULY, 1972.

Yusuf L. Sturgis  
President  
William J. Brown  
W. D. Brown  
John Brown  
Ed Deane  
Commissioners

Overmyer of La Mirada, 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>
La Mirada	10,000

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

(END OF APPENDIX A)