

Decision No. 80378**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 VIRGIL H. MONNET, an individual and)
 GENEVA C. MONNET, an individual, doing)
 business as a partnership under the)
 fictitious name of MANUFACTURERS)
 DISTRIBUTION TERMINAL for a certificate)
 of public convenience and necessity to)
 operate a public warehouse in the City)
 of Emeryville, County of Alameda, State)
 of California. }

Application No. 53431
 (Filed June 29, 1972)

O P I N I O N

Virgil H. Monnet and Geneva C. Monnet, doing business as Manufacturers Distribution Terminal, request a certificate of public convenience and necessity authorizing operations as a public utility warehouseman in 25,000 square feet of space in the City of Emeryville.

Applicants are presently conducting operations as a highway common carrier for the transportation of new household goods and new office, store and institutional furniture and fixtures between points in the San Francisco-East Bay Cartage Zone. Applicants have also been conducting warehouse operations for the storage of certain goods and commodities in the City of Emeryville for a substantial period of time. Said operations were assertedly performed upon the good faith assumption that they were being conducted as a private warehouse and therefore not subject to the jurisdiction of this Commission.

It is alleged that recently a member of the Commission's staff made a study of applicants' warehouse operations and as a result thereof concluded that said operations were that of a public warehouse; that applicants were advised by Commission letter dated March 29, 1972, that a subsequent study would be conducted within

90 to 120 days if an application for a certificate of public convenience and necessity to operate as a public utility warehouseman was not filed within that time; that applicants were further advised by said letter that continuance of unlawful operations could subject them to penalties provided in the Public Utilities Code; that applicants are desirous of bringing their entire operations into strict and complete compliance with the Commission's rules and regulations; and that applicants seek nothing more than to perpetuate a business operation which it has conducted for many years.

As of March 31, 1972, applicants indicated a net worth in the amount of \$18,041.

A copy of the application was served 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.

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. A certificate of public convenience and necessity is granted to Virgil H. Monnet and Geneva C. Monnet, 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, applicants 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, applicants shall file a written acceptance of the certificate herein granted. Applicants are placed on notice that, if they accept the certificate of public convenience and necessity herein granted, they will be required, among other things, to file annual reports of their operations.
- (b) Within one hundred twenty days after the effective date hereof, applicants 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. Applicants shall comply with the regulations of the California Department of Public Health concerning hazardous or toxic commodities and shall include in their 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 15th day of AUGUST, 1972.

Vernon L. Sturgeon
President
William J. Lyons
William J. Lyons
William J. Lyons
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Virgil H. and Geneva C. Monnet, doing business as Manufacturers Distribution Terminal, 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>
Emeryville	25,000

(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.

Decision No. 80378, Application No. 53431.