

Decision No. 80435

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
COAST DRAYAGE, a corporation, doing
business as COAST LINES for a certificate
of public convenience and necessity to
operate as a public warehousemen in the
City of Berkeley.

Application No. 53477
(Filed July 24, 1972)

O P I N I O N

Coast Drayage, a corporation, doing business as Coast Lines, seeks authority to transfer a certificate of public convenience and necessity to operate 30,000 square feet of public utility warehouse floor space from Oakland to Berkeley. Said certificate was issued to applicant by Decision No. 78865, dated June 29, 1971, in Application No. 52627.

The application states that Coast Drsyage has been unable to find an adequate site for its warehouse in Oakland. It now intends to combine its public warehouse operation with that of its motor carrier operation, which is located in Berkeley. The application asserts that the combination of its trucking and warehousing operations at Berkeley will afford it a better opportunity to serve the public and will eliminate the additional expense of maintaining a separate warehouse facility in Oakland.

The application states that Berkeley and Oakland are contiguous communities which constitute a single commercial area. The application asserts that applicant will be serving the same group of potential warehouse customers in either location. Therefore, the granting of the application should not have any adverse effect upon competing warehousemen.

The application was served on the California Warehousemen's Association and notice of the filing of the application appeared in the Commission's Daily Calendar. There are no protests.

After consideration the Commission finds that public convenience and necessity no longer require applicant's service as a public utility warehouseman at Oakland and that public convenience and necessity require applicant's service as a public utility warehouseman in 30,000 square feet of space at Berkeley. 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 Coast Drayage, 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. 78865, dated June 29, 1971, in Application No. 52627, which certificate

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 San Francisco, California, this 31st
day of AUGUST, 1972.

Vernon L. Sturgeon
President
William Symons Jr.
Thomas Moran
D. W. Holmes
Commissioners

VERNON L. STURGEON
President
WILLIAM SYMONS, JR.
THOMAS MORAN
D. W. HOLMES
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Coast Drayage, 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> |
|-----------------|---|
| Berkeley | 30,000 |

(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. 80435, Application No. 53477.