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Decision No. 80672

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
TRIANGLE TRUCKING CO., a corporation,  
for a certificate of public conven-  
ience and necessity to operate a  
public warehouse in the City of  
San Francisco, State of California.

Application No. 53596  
(Filed September 21, 1972)

O P I N I O N

Triangle Trucking Co., requests a certificate of public convenience and necessity authorizing operations as a public utility warehouseman for the storage of furniture and commodities generally handled in connection with the furniture business in 40,000 square feet of floor space in the City and County of San Francisco.

Applicant presently conducts operations as a for-hire carrier pursuant to permits duly issued by this Commission. Applicant also conducts operations in interstate and foreign commerce as a highway common carrier pursuant to a certificate of public convenience and necessity authorizing the transportation of new furniture and furniture parts from San Francisco to points and places in northern California. It is alleged that for some time past applicant has been conducting a warehouse operation in conjunction with and as a necessary adjunct to its principal for-hire motor carrier operations; that applicant receives furniture at its place of business in San Francisco primarily by rail in pool-car shipments; that in some instances the furniture is transported immediately from San Francisco; but in most cases it is stored at applicant's place of business for a time before it is ultimately transported by applicant to the consignee's place of business upon order; that applicant's existing storage facilities consist of a building with approximately 70,000 square feet of storage space; that applicant has always considered

this as an in-transit operation conducted for the benefit of the consignee rather than as a public utility warehouse operation; and that applicant requests the certificate to operate as a public utility warehouseman so as to remove any doubt as to the legal status of such operation.

As of December 31, 1971, applicant indicated a net worth in the amount of \$98,828.

A copy of the application was served upon the California Warehousemen's Association. The only response was a letter from Gibraltar Warehouses dated September 27, 1972, indicating that it would have no protest provided the certificate was restricted to furniture and related items. Applicant has indicated that it agrees to this restriction. The certificate will be so restricted.

After consideration the Commission finds that public convenience and necessity require the granting of the application with the restriction referred to above. A public hearing is not necessary.

Triangle Trucking Co. 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. A certificate of public convenience and necessity is granted to Triangle Trucking Co., 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.



Triangle Trucking Co., 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, restricted to furniture and commodities generally handled in connection with the furniture business, as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
City and County of San Francisco	40,000

(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. 80672, Application No. 53596.