

ORIGINAL

Decision No. 81137

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of COMPASS TRADING CO., INC., a  
corporation, for a certificate of  
public convenience and necessity  
to operate as a warehouseman.

Application No. 53634  
(Filed October 11, 1972)

O P I N I O N

By this application Compass Trading Co., Inc. seeks to operate as a warehouseman in the city of San Jose, California, expanding its presently authorized warehouse floor space to 80,000 square feet. There were no protests to the application.

Applicant is presently operating as a public utility warehouseman in San Jose.

On July 16, 1970 applicant entered into a ten-year lease, with option to renew for five additional years, of 80,000 square feet of warehouse space in San Jose, which allowed applicant to fill its needs at that time with adequate room for expansion. The capacity of the warehouse is 100,000 square feet.

Due to the increased demands for space by applicant's customers, in addition to the 7,800 square feet authorized by applicant's current certificate of public convenience and necessity, applicant has expanded by the full amount of the 50,000 additional square feet of floor space permitted under Section 1051 of the Public Utilities Code.

Applicant's customers are presently requesting additional storage space, and applicant believes this demand will increase still further in the future.

After consideration the Commission finds that the proposed expansion would not be adverse to the public interest and concludes that it should be authorized. A public hearing is not necessary.

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 Compass Trading Co., 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.

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 inform the Commission of such fact.

3. 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. 77917, which certificate is revoked effective concurrently with the effective date of the notice required by paragraph 2(b) hereof.

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.

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

Dated at San Francisco, California, this 13<sup>th</sup> day of MARCH, 1973.

Vernon L. Sturgeon  
President  
William J. Lyons  
J. H. [illegible]  
[illegible]  
Commissioners

Compass Trading Co., 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>
San Jose	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.

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