

ORIGINAL

Decision No. 81274

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
USCO SERVICES, INC., a corporation,
for a certificate of public convenience and necessity authorizing it
to extend its operations as a public
utility warehouseman in the city of
South San Francisco, California,
pursuant to Section 1051, et seq., of
the California Public Utilities Code.

Application No. 52791
(Filed July 29, 1971)

PACIFIC COAST SERVICE COMPANY, a
California corporation,

Complainant,

v.

USCO SERVICES, INC. a Delaware
corporation,

Defendant.

Case No. 9293
(Filed November 18, 1971)

ORDER DENYING REHEARING

Pacific Coast Service Company having petitioned for
rehearing of Decision No. 80981, the Commission having considered
said petition and good cause appearing,

IT IS ORDERED that:

1. Finding 24 of Decision No. 80981 is revised to read as
follows:

24. If USCO is granted a certificate of public
convenience and necessity to operate as a
public utility warehouseman at South
San Francisco, Uniroyal would continue to
have a need for 55,000 square feet of
warehouse storage space and would use the
said space under USCO's proposed public

utility warehouse operations at its South San Francisco warehouse because of the convenient location of the warehouse and because USCO is equipped to handle Uniroyal's warehousing requirements from a service standpoint.

2. Finding 58.a. is added immediately after Finding 58 of Decision No. 80981 as follows:

58.a. BDL's inquiry regarding space was made for the purpose of investigating the nature of USCO's operations and was not a bona fide inquiry regarding warehouse space which might be required of USCO by BDL.

3. Ultimate Finding 83.a. is added immediately after Finding 83 of Decision No. 80981 as follows:

83.a. The foregoing Finding 83 that USCO has been conducting operations as a public utility warehouseman without a certificate of public convenience and necessity is the result of a close and difficult determination by this Commission. Such operations have been conducted in good faith by USCO in the belief that they were private warehouse operations and not by reason of intentional disregard of the law requiring that such operations be certified by this Commission. USCO is willing to accept a certificate of public convenience and necessity as a public utility warehouseman only if such a certificate is required for its continued operation in accordance with law.

4. Finding 84 of Decision No. 80981 is revised to read as follows:

84. Pacific Service could have handled the warehouse business that has been handled by USCO for its unaffiliated customers but not as satisfactorily as said warehouse business has been handled by USCO. Pacific Service could not handle the warehouse business of USCO's parent Uniroyal which has been handled by USCO at its South San Francisco warehouse, the warehouse business of prospective

customers of USCO such as PPG Industries and other national concerns which presently store goods in one or more of USCO's 126 warehouses located throughout the country, and all the other warehouse business that may be developed by aggressive solicitation of the industrial and commercial tenants of Cabot, Cabot & Forbes Office/Industrial Park as satisfactorily as said warehouse business can be handled by USCO.

5. The petition of Pacific Coast Service Company for rehearing of Decision No. 80981 in Application No. 52791 and Case No. 9293 is denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 17th day of APRIL, 1973.

William L. Stenger
President
William J. ...
...
...
Commissioners

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