

Decision No. 81406

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:  
STEWART WAREHOUSES, INC., a corpo-  
ration, for a Certificate of Public  
Convenience and Necessity to Operate  
as a Warehouseman.

Application No. 53889  
(Filed March 14, 1973)

O P I N I O N

Stewart Warehouses, Inc., presently rendering service as a public utility warehouseman in 38,000 square feet of storage space in the city of Richmond, requests authority to expand the authorized space to 100,000 square feet of space, exclusive of the 50,000 square feet of expansion permissible under Section 1051 of the Public Utilities Code.

It is alleged that applicant is presently using the authorized 38,000 square feet of space in addition to the 50,000 square feet of expansion space permitted under Section 1051 and is unable to meet the requirements of present customers; that customers are demanding more space and some have expressed concern with the presently congested conditions; and that congestion seriously hampers inventory control of customer commodities and increases the possibility of damage.

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. The Commission further finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment. 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, 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 Stewart Warehouses, 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. 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. 75730 dated June 3, 1969 in Application No. 50998, which certificate is revoked effective concurrently with the effective date of the notice 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 22nd  
day of MAY, 1973.

Vernon L. Stinson  
President  
William J. Brown  
John J. Brown  
Edmund J. Brown  
Commissioners

Stewart Warehouses, Inc., 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>
Richmond	100,000

(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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