

ORIGINALDecision No. 81489

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of STOCKTON REFRIGERATING COMPANY,
for a Certificate of Public Con-
venience and Necessity Authorizing
the Operation of a Cold Storage
Warehouse at Stockton, California.

Application No. 53864
(Filed February 27, 1973)

O P I N I O N

Stockton Refrigerating Company, a California corporation, requests a certificate of public convenience and necessity to engage in the business of a warehouseman as defined in Section 239(b) and (c) of the Public Utilities Code.

The application states that: "Applicant operates on a contract basis [as] a cold storage warehouse containing 40,000 square feet of storage space for the storage of agricultural products and general food commodities at 1270 Shaw Road, Stockton, California. Said existing warehouse facilities consist of one modern single-story building, tilt-up construction with trussed roof, concrete floors and 25 foot ceilings. Applicant has railroad spur track facilities, as well as truck-loading facilities and a receiving area adjacent to a state freeway. Applicant has available an adequate supply of forklift trucks, pallets, and other storage handling machinery and equipment."

The application further states that: "Applicant's officers and employees have four years of experience in the handling and storing of agricultural and general food commodities under cold storage conditions, and applicant will continue operating with experienced personnel."

The warehouse facilities to be operated by applicant at Stockton, California, have been used for the past several years

for the storing of agricultural and general food commodities in cold storage. Several storers of agricultural and general food commodities have requested the services of applicant.

Applicant's balance sheet as of September 30, 1972 which is attached to the application discloses assets of \$126,345.98 offset by liabilities of \$96,287.91 resulting in capital of \$30,058.07. Its profit and loss statement for the year ending September 30, 1972 discloses a net profit after federal income taxes of \$3,270.99.

The application was served in accordance with the Commission's procedural rules. There are no protests.

Findings

1. Applicant possesses the experience and financial resources to institute and maintain the proposed service.
2. The Commission finds with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.
3. Public convenience and necessity require that the proposed service be authorized.
4. A public hearing is not necessary.

The Commission concludes that the application should be granted as set forth in the ensuing order.

Applicant is 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 cancelled 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 Stockton Refrigerating Company, as a public utility warehouseman, as defined in Section 239(b) and (c) 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. Applicant shall comply with the regulations of the California Department of Public Health concerning hazardous or toxic commodities and shall include in their 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.

3. 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 file tariffs, in triplicate, in the Commission's office.
- (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.

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

Dated at San Francisco, California, this 19th day of JUNE, 1973.

James L. Steyer
President
William J. Quinn
Alvin L. ...
San Diego
Commissioners

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

Stockton Refrigerating Company, 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 Sections 239(b) and 239(c) of the Public Utilities Code for the operation of storage or warehouse floor space restricted to agricultural products and general food commodities as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Stockton	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. 81489, Application No. 53864.