

ORIGINAL

Decision No. 81602

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
GIBRALTAR WAREHOUSES, a corporation,
for a certificate of public convenience
and necessity authorizing transporta-
tion as a highway common carrier of
property between Union City, on the
one hand, and, on the other, specified
San Francisco Bay Area points, in
intrastate commerce.

Application No. 53941
(Filed April 9, 1973)

O P I N I O N

Gibraltar Warehouses requests authority to provide service as a highway common carrier for the transportation of general commodities, with certain exceptions, between Union City, on the one hand, and San Francisco, Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, El Cerrito, Milpitas, Fremont, and points on U. S. Highways 101 and 101-Bypass between Daly City and San Jose, on the other hand.

By Decision No. 78959 dated July 27, 1971 in Application No. 52642, Gibraltar Warehouses acquired, by transfer, operating rights as a public utility warehouseman in San Francisco and a highway common carrier certificate.

The highway common carrier certificate, as amended by Decision No. 79885 dated April 4, 1972 in Application No. 53166, authorized the transportation of general commodities between San Francisco, on the one hand, and points on U. S. Highway 101 between Daly City and San Jose and Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, Union City, El Cerrito, Milpitas, and Fremont, on the other hand.

By Decision No. 79959 dated April 18, 1972 in Application No. 53201, applicant was authorized to establish operations as a public utility warehouseman at Union City. Applicant alleges that

on or about July 31, 1973, it will be transferring its public utility warehouse operations from San Francisco to Union City and that from and after that date those shippers which currently use applicant's complete warehouse and common carrier service to and from San Francisco will need the services of applicant to and from Union City.

Applicant proposes a daily overnight service. It owns and operates 27 units of equipment and as of December 31, 1972 indicated a net worth in the amount of \$301,821.

Copies of the application were served upon carriers with which the proposed service might compete. 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. The Commission concludes that the application should be granted as set forth in the ensuing order. A public hearing is not necessary.

Gibraltar Warehouses 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, such 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 Gibraltar Warehouses, a corporation, authorizing it to operate as a highway common carrier, as defined in Section 213 of

the Public Utilities Code, between the points particularly 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 comply with and observe the safety rules of the California Highway Patrol and the insurance requirements of the Commission's General Order No. 100-Series.
- (b) Within one hundred twenty days after the effective date hereof, applicant shall establish the service herein authorized and amend or file tariffs, in triplicate, in the Commission's office.
- (c) The tariff filings shall be made effective not earlier than thirty days after the effective date of this order on not less than thirty 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. 80-Series.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission and shall file with the Commission, on or before March 31 of each year, an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

- (f) Applicant shall comply with the requirements of the Commission's General Order No. 84-Series for the transportation of collect on delivery shipments. If applicant elects not to transport collect on delivery shipments, it shall make the appropriate tariff filings as required by the General Order.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity to operate as a highway common carrier granted by Decision No. 78959 dated July 27, 1971 in Application No. 52642, as amended by Decision No. 79885 dated April 4, 1972 in Application No. 53166, which certificate is revoked effective concurrently with the effective date of the tariff filings 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 17th day of JULY, 1973.

Vernon K. Stinger
President
William Symons, Jr.
Commissioners
William Symons, Jr.
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Gibraltar Warehouses, by the certificate of public convenience and necessity granted in the decision noted in the margin, is authorized to conduct operations as a highway common carrier as defined in Section 213 of the Public Utilities Code for the transportation of general commodities between:

- I. A. San Francisco, on the one hand, and Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, Union City, El Cerrito, Milpitas, and Fremont, on the other hand.
- B. San Francisco, on the one hand, and Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, and El Cerrito, on the other hand.
- C. San Francisco, on the one hand, and points on U.S. Highway 101 between Daly City and San Jose, and points on State Highway 82 between Bayshore and San Jose, on the other hand.

Restrictions:

Such authority does not include the right to render service to, from or between intermediate points.

Applicant shall not establish through routes and joint rates, charges and classifications as to the separate authorities hereinabove set forth in subparagraphs A, B and C.

- II. A. Union City, on the one hand, and San Francisco, Oakland, Emeryville, Berkeley, Alameda, San Leandro, Richmond, Albany, El Cerrito, Milpitas, and Fremont, on the other hand.

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- B. Union City, on the one hand, and points on U.S. Highway 101 between Daly City and San Jose, and points on State Highway 82 between Bayshore and San Jose, on the other hand.
- C. In performing the service herein authorized, applicant may make use of any and all streets, roads, highways and bridges necessary or convenient for the performance of said service.

Except that pursuant to the authority herein granted, carrier shall not transport any shipments of:

1. Used household goods, personal effects and office, store and institution furniture, fixtures and equipment not packed in accordance with the crated property requirements set forth in Item 5 of Minimum Rate Tariff 4-B.
2. Automobiles, trucks and buses, viz.: new and used, finished or unfinished passenger automobiles (including jeeps), ambulances, hearses and taxis; freight automobiles, automobile chassis, trucks, truck chassis, truck trailers, trucks and trailers combined, buses and bus chassis.
3. Livestock, viz.: barrows, boars, bulls, butcher hogs, calves, cattle, cows, dairy cattle, ewes, feeder pigs, gilts, goats, heifers, hogs, kids, lambs, oxen, pigs, rams (bucks), sheep, sheep camp outfits, sows, steers, stags, swine or wethers.
4. Liquids, compressed gases, commodities in semi-plastic form and commodities in suspension in liquids in bulk, in tank trucks, tank trailers, tank semitrailers or a combination of such highway vehicles.

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5. Commodities when transported in bulk in dump trucks or in hopper-type trucks.
6. Commodities when transported in motor vehicles equipped for mechanical mixing in transit.
7. Trailer coaches and campers, including integral parts and contents when the contents are within the trailer coach or camper.
8. Commodities requiring the use of special refrigeration or temperature control in specially designed and constructed refrigerator equipment..

(END OF APPENDIX A)