

ORIGINAL

Decision No. 82024

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:)

WEST COAST WAREHOUSE CORPORATION, a
California corporation, for an in lieu
Certificate of Public Convenience and
Necessity authorizing operations as a
warehouseman as defined in Section 239
of the Public Utilities Code.

Application No. 54275

(Filed August 24, 1973)

O P I N I O N

Applicant requests an in lieu certificate of public convenience and necessity authorizing operations as a warehouseman for the operation of not more than 250,000 square feet of floor space, exclusive of expansion permissible under Section 1051 of the Public Utilities Code. The operative rights involved were granted by Decision No. 36944 dated March 21, 1944 in Application No. 26011 and Decision No. 50209 dated June 29, 1954 in Application No. 35164. Applicant alleges that the granting of the application will eliminate all possible confusion that could arise as to the existing prescriptive rights held by applicant.

Applicant has continuously engaged in business as a public warehouseman in the city of Long Beach since on or about March 21, 1944. Applicant's net worth on May 31, 1973 was \$273,300.19. Applicant has an inside capacity of 180,000 square feet and an outside area available for expansion of 40,000 square feet. Applicant desires to expand its operations to meet the public need for warehouse space to store general commodities in Long Beach. Applicant alleges that it proposes to lease three additional facilities in Long Beach which have a total combined space of approximately 46,000 square feet.

Applicant participates in California Warehouse Tariff No. 13-B, Cal. P.U.C. No. 211; No. 28-A, Cal. P.U.C. No. 193; and No. 29-B, Cal. P.U.C. No. 252.

Findings

1. Public convenience and necessity require that the requested in lieu certificate be granted.
2. A public hearing is not necessary.
3. The application shows with reasonable certainty that the authority requested will not have any significant effect on the environment.

Conclusion

The Commission concludes that the application should be granted.

West Coast Warehouse Corporation 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 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 West Coast Warehouse Corporation, a California corporation, authorizing it to operate 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 set forth in Appendix A, attached hereto and made a part hereof.

2. In providing service pursuant to the authority granted by this order, applicant shall comply with the following service regulations. Failure so to do may result in a cancellation of the authority.

- (a) Within thirty days after the effective date of this order, applicant shall file a written acceptance of the certificate granted. Applicant is placed on notice that if it accepts the certificate it will be required, among other things, to file annual reports of its operations.
- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service 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 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-Series.

3. The certificate of public convenience and necessity granted in paragraph 1 shall supersede the certificate of public convenience and necessity and operating rights granted by Decisions Nos. 36944 and 50209, which certificate and operating rights are revoked concurrently with the effective date of the tariff filings required by paragraph 2(b).

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.

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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 24th day of OCTOBER, 1973.

James L. Spence
President
William Spence
(117) William L.
Spence
Spence
Commissioners

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Appendix A WEST COAST WAREHOUSE CORPORATION Original Page 1
(a corporation)

West Coast Warehouse Corporation, by the certificate of public convenience and necessity granted by the decision noted in the margin, is authorized to operate 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 follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Long Beach	250,000

(The floor space shown is exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.)

(End of Appendix A)

Issued by the California Public Utilities Commission.

Decision No. 82024, Application No. 54275.