

ORIGINAL

Decision No. 82241

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SWIFT TRANSPORTATION COMPANY, a)
corporation, to extend or increase)
storage or warehouse floor space)
from 5,000 square feet to 100,000)
square feet, pursuant to Section)
1051 of the California Public)
Utilities Code.)

Application No. 54336

(Filed September 18, 1973;
amended October 16, 1973)

O P I N I O N

Applicant seeks authorization for enlargement of its warehouseman operations from 5,000 square feet to 100,000 square feet of floor space. The operative rights involved were originally granted by Decision No. 78112 dated December 22, 1970 in Application No. 52137, as modified by Decision No. 78731 dated May 25, 1971. Applicant states that an increase in authorized storage space is required to meet increasing demands made upon it by the storing public.

Applicant presently conducts business as a public warehouseman in the county of Los Angeles (vicinity of Gardena) in facilities with a capacity of 53,000 square feet. Applicant proposes to increase its available public warehouse floor space to store general commodities by 80,000 square feet. These additional warehouse facilities are located at 13315 South Figueroa Street, Gardena, Los Angeles County.

Financial statements attached to the application show applicant's net earnings for six months ending June 30, 1973 from public warehouse operations was \$68,620, with tangible warehouse and equipment property (depreciated) of \$509,725.

Applicant participates in California Warehouse Tariff Bureau, Warehouse Tariff No. 28-A, Cal. P.U.C. 193, issued by Jack L. Dawson, Agent. Notice of the application was served in accordance with the Commission's Rules. There are no protests.

Findings

1. Public convenience and necessity require that an in lieu certificate be granted.
2. A public hearing is not necessary.
3. The application shows with reasonable certainty that the project involved in this proceeding will not have any significant effect upon the environment.

Conclusion

The Commission concludes that the application should be granted.

Swift Transportation Company 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 Swift Transportation Company, a California corporation, authorizing it 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 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 at its present rates and charges, 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. 78112 and 78731, 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 7th day of DECEMBER, 1973.

James L. Stanger
President
William J. ...
...
...
Commissioners

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Appendix A

SWIFT TRANSPORTATION COMPANY
(a corporation)

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Swift Transportation Company, 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) 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>
County of Los Angeles (Gardena and in the vicinity of Gardena)	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 the California Public Utilities Commission.

Decision No. 82241, Application No. 54336.