

Decision No. 82322**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of TURLOCK REFRIGERATING COMPANY,
a corporation, for a Certificate
of Public Convenience and Necessity
Authorizing Extension of Operations
as a Cold Storage Warehouseman at
Turlock, California.

Application No. 54010
(Filed May 3, 1973)

O P I N I O N

Turlock Refrigerating Company, presently providing service in Turlock as a public utility warehouseman for the storage of commodities requiring refrigeration, requests authority to extend its operations by an additional 157,000 square feet of floor space.

Applicant's operating authority, which is prescriptive, was set forth in Commission order dated July 26, 1960 in Case No. 6650 and provides for the storage of commodities requiring refrigeration in 58,000 square feet of floor space.

It is alleged that applicant has conducted operations at Turlock for many years; that through inadvertence applicant has exceeded the additional 50,000 square feet of expansion space permitted under Section 1051 of the Public Utilities Code; that applicant is presently operating in 215,000 square feet of floor space; that said operations are being conducted in a modern single-story concrete warehouse equipped with refrigeration and other facilities required for cold storage; that applicant has experienced personnel; that applicant is presently serving numerous storers of commodities requiring refrigeration at its Turlock warehouse; and that applicant knows of no other public utility cold storage warehouseman in Turlock.

A copy of this application was served upon Pacific States Cold Storage Warehousemen's Association. No protest has been received.

After consideration the Commission finds and concludes that public convenience and necessity require the granting of the application. A public hearing is not necessary.

We find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment.

Turlock Refrigerating 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 Turlock Refrigerating Company, a corporation, authorizing it to operate as a public utility warehouseman, as defined in Section 239(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 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 prescriptive authority set forth in Commission order dated July 26, 1960 in Case No. 6650, which is revoked effective concurrently with the effective date of the notice required by paragraph 2(b).

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

Dated at San Francisco, California, this 8th day of JANUARY, 1974.

James L. Stearns
President
William J. Quinn
John J. Quinn
John J. Quinn
John J. Quinn
Commissioners

Turlock 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 Section 239(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>
Turlock	215,000

(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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