

**ORIGINAL**Decision No. 82635

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 JOHN DENTONI CONTRACT WAREHOUSE,  
 a corporation, for a certificate of  
 public convenience and necessity to  
 operate a warehouse in the City and  
 County of San Francisco, State of  
 California.

Application No. 54326  
 (Filed September 17, 1973)

Marquam C. George, Attorney at Law,  
 for applicant.  
W. P. Campana, for the Commission  
 staff.

O P I N I O N

John Dentoni Contract Warehouse, a corporation, requests a certificate of public convenience and necessity authorizing operations as a public utility warehouseman in 75,000 square feet of floor space in the city and county of San Francisco.

A public hearing was held before Examiner Daly on February 14, 1974 in San Francisco and the matter was submitted. Although all parties with which the proposed service might compete were mailed a notice of hearing, there was no appearance in protest to the application.

Applicant has been conducting operations as a private warehouse at 1050 Third Street in the city and county of San Francisco for many years. By reason thereof applicant contends that it has gained the necessary expertise and experience to conduct a warehouse operation which will be responsive to the public need; that its officers and other operating employees are thoroughly familiar with the warehouse business and manner and method by which problems and difficulties associated therewith can be ameliorated if not eliminated; that it has developed certain innovations in

warehousing which have proven to be not only efficient, but economically successful, and have been well received by its present customers; and that it has received many requests from various companies for a public warehouse service in San Francisco.

Applicant proposes to assess rates and charges on a level with those presently prevailing for public utility warehouses in the city and county of San Francisco.

After consideration the Commission finds and concludes that public convenience and necessity require the granting of the application.

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

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, 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 John Dentoni Contract Warehouse, a 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 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 and to maintain its accounting records in conformance with the applicable Uniform System of Accounts as prescribed or adopted by this Commission.
  - (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.

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

Dated at San Francisco, California, this 21<sup>st</sup> day of MARCH, 1974.

Samuel L. Spingarn  
President  
William Symon-Jr.

[Signature]  
[Signature]  
Commissioners

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

John Dentoni Contract Warehouse, 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(b) of the Public Utilities Code for the operation of storage or warehouse floor space as follows:

| <u>Location</u>                     | <u>Number of Square<br/>Feet of Floor Space</u> |
|-------------------------------------|---|
| City and County of<br>San Francisco | 75,000  |

(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. 82635, Application No. 54326.