

JR

Decision No. 83232

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
DATA TRANSPORTATION CO., INC., for)
a certificate of public convenience)
and necessity to operate a public)
warehouse in the City of San Jose,)
State of California.)

Application No. 54937
(Filed June 5, 1974)

O P I N I O N

Data Transportation Co., Inc., presently engaged as a permitted carrier in the transportation of household goods, electrical, electronic, and photographic equipment, machinery and parts, uncrated new furniture, new appliances, and other specified commodities, between various points within the State, requests a certificate of public convenience and necessity authorizing operations as a public utility warehouseman in 50,000 square feet of floor space in the city of San Jose limited to the following commodities:

"Business machines, communication equipment, copying and reproducing machines and equipment, photographic equipment, medical and scientific instruments and equipment, electronic instruments and equipment, and related parts and accessories and supplies."

It is alleged that applicant now is, and has been, since its inception in 1959 conducting operations as a warehouseman for the storage of the commodities previously described at applicant's terminals and warehouse facilities; that the warehousing service was performed in conjunction with and as a necessary adjunct to applicant's principal operation as a for-hire motor carrier, pursuant to the operating authorities which have been issued to it by the Commission and the Interstate Commerce Commission; that the described

commodities are received at applicant's warehouse at San Jose from inbound line-haul motor, rail, and air carriers and are held in storage for either short periods, as in transit movements, or longer periods until directed by the owners of the property to release the stored goods, or to transport or arrange for the transportation of said commodities to a consignee who may be located either within or without California; that a large portion of these goods are stored for the benefit of companies which do not have space available at their respective places of business to receive these commodities or when it is more convenient to hold these goods at applicant's warehouse until further transportation is required; and that this business has gradually expanded and the number of customers being served has increased to an extent leading applicant to believe that it would be in the public's best interest to provide this service as a certificated warehouse subject to Commission regulation.

As of December 31, 1973 applicant indicated a net worth in the amount of \$436,850.

A copy of the application was served upon the California Warehousemen's Association. No protest has been received.

After consideration the Commission finds 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.

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 Data Transportation Co., Inc., 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 books of accounts in conformance with the Uniform System of Accounts prescribed 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 6th day of AUGUST, 1974.

Yusuf L. L. L.
President
William J. L.
[Signature]
[Signature]
Commissioners

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.

Data Transportation Co., Inc., 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 shown below but limited to the following commodities:

Business machines, communication equipment, copying and reproducing machines and equipment, photographic equipment, medical and scientific instruments and equipment, electronic instruments and equipment, and related parts and accessories and supplies.

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
San Jose	50,000

(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. 83232, Application No. 54937.