

ORIGINAL

Decision No. 83385

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of LYON MOVING &
STORAGE CO. to transfer warehouse
operations from present location
in San Leandro to Oakland.

Application No. 54968
(Filed June 14, 1974)

O P I N I O N

Lyon Moving & Storage Co. requests authority to transfer its warehouse operations from San Leandro to Oakland.

Applicant's San Leandro warehouse activities have heretofore been conducted in leased facilities, the term of which lease has now expired. Applicant has recently purchased, for a price of \$110,000, a one and one-half acre building site located at 200 Fallon Street within the city of Oakland and has constructed thereon, at a cost of \$350,000, a modern warehouse facility which consists of a single-floor concrete, fireproof warehouse providing 20,000 square feet of storage space capable of accommodating, from a height standpoint, three tiers of pallets. It has an adequate sprinkler system and meets all of the building requirements of the city of Oakland. The warehouse is provided with four loading docks, and an additional 1,250 feet of building space have been set aside for office purposes. The surrounding yard is fenced and paved with asphalt. A public scale has been installed in the yard area. This Oakland facility is located approximately ten miles from the original San Leandro warehouse.

There were no protests.

After consideration the Commission finds that public convenience and necessity no longer require applicant's service as a public utility warehouseman in the city of San Leandro and that public convenience and necessity require applicant's service as a public utility warehouseman in the city of Oakland. We further find with reasonable certainty that the project involved in this proceeding will not have a significant effect on the environment. A public hearing is not necessary.

The order which follows will provide for, in the event the transfer is completed, the revocation of the prescriptive operative right presently held by applicant at San Leandro and the issuance of a certificate in Appendix A attached hereto for the operation at Oakland. Also, the other prescriptive operative rights presently possessed by applicant at various locations will be restated in Appendix B attached hereto. Appendix A of Decision No. 81634 dated July 24, 1973 in Case No. 6944 will be canceled.

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. On or before December 1, 1974 Lyon Moving & Storage Co. is authorized to transfer its warehouse operations from San Leandro to Oakland.
2. Within thirty days after the transfer, applicant shall file with the Commission written acceptance of the certificate herein granted.
3. On not less than ten days' notice to the Commission and to the public, applicant shall amend its tariffs presently on file with this Commission to reflect the authority herein granted.
4. In the event the transfer authorized in paragraph 1 is completed, effective concurrently with the effective date of the tariff filings required by paragraph 3, a certificate of public convenience and necessity is granted to Lyon Moving & Storage Co., 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. In addition, the other prescriptive operative rights of applicant are restated in Appendix B, attached hereto and made a part hereof.

5. The prescriptive operative right at San Leandro set forth in Decision No. 81634 is revoked and Appendix A of Decision No. 81634 dated July 24, 1973 in Case No. 6944 is canceled effective concurrently with the effective date of the tariff filings required by paragraph 3.

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

Dated at San Francisco, California, this 4th
day of SEPTEMBER, 1974.

Vernon L. Stinson
President
William J. Simon
P. J. H. H. H.
Commissioners

Lyon Moving & Storage Co., 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 Feet of Floor Space</u>
Oakland	5,000

(The floor space shown is exclusive of the 50,000 square feet of expansion permissible under Section 1051 of the Public Utilities Code.)

(END OF APPENDIX A)

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Appendix B

Cancels

Appendix A

(Dec. 81634 in

Case No. 6944)

LYON MOVING & STORAGE CO.

(a corporation)

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Lyon Moving & Storage Co. possesses prescriptive operative rights as a public utility warehouseman for the operation of storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Belmont	5,000
Beverly Hills	2,500
Burbank	5,000
Fresno	2,500
Glendale	2,500
La Mesa	5,000
National City	105,000
Pasadena	4,500
Santa Barbara	2,500
Sunnyvale	2,500

(The floor space shown above is exclusive of the 50,000 square feet of expansion permissible at each location under Section 1051 of the Public Utilities Code.)

(END OF APPENDIX B)

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