

ORIGINAL

Decision No. 83752

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of JOHN J. MYRES, deceased,  
by JOHN VERNON MYRES, Executor of the  
Estate of JOHN J. MYRES, for authorization  
to transfer a prescriptive operative right  
to operate as a public utility warehouseman  
to NATIONAL CITY TRANSFER & STORAGE CO.,  
INC., a California corporation, of  
NATIONAL CITY TRANSFER & STORAGE CO., INC.,  
a California corporation, for an order  
authorizing acquisition of the public  
utility; and of JOHN VERNON MYRES and EMILY G.  
MYRES to control NATIONAL CITY TRANSFER &  
STORAGE CO., INC.

Application No. 55229  
(Filed October 2, 1974)

O P I N I O N

John Vernon Myres, as the Executor of the Estate of John J. Myres, requests that a prescriptive operative right authorizing operations as a public utility warehouseman be transferred to National City Transfer & Storage Co., Inc., a California corporation.

The operative right is prescriptive in nature as set forth in Case No. 6825, and authorizes operations in 12,500 square feet of space in National City.

The right was originally held by John J. Myres, who died September 8, 1970. It passed to John Vernon Myres and Emily G. Myres, beneficiaries, who transferred it to National City Transfer & Storage Co., Inc.; however, no application had ever been filed with the Commission requesting its transfer.

John Vernon Myres and Emily Myres are the sole stockholders of National City Transfer & Storage Co., Inc.

After consideration the Commission finds that the proposed transfer would not be adverse to the public interest. 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.

The transfer will be accomplished by revoking the original prescriptive operative right and issuing a new certificate in appendix form to National City Transfer & Storage Co., Inc.

National City Transfer & Storage Co., Inc. 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 National City Transfer & Storage Co., Inc., 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.

- (b) Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and amend the tariffs on file with the Commission to reflect the order herein.
- (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 amendments 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. 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 service 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 prescriptive operative right set forth in Commission order dated August 16, 1960 in Case No. 6825 is revoked effective concurrently with the effective date of the tariff amendments required by Ordering Paragraph 2(b).

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

Dated at San Francisco, California, this 26<sup>th</sup> day of NOVEMBER, 1974.

Verma L. Steiner  
President  
William J. Quinn  
[Signature]  
[Signature]  
Robert E. McPherson  
Commissioners

National City Transfer and Storage 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 follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
National City	12,500

(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. 83752, Application No. 55229.