

Decision No. 83762

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application
of M.A.P. WAREHOUSE & TRUCKING CO.,
dba CHAFFEE WAREHOUSE & TRUCKING,
a corporation, to extend or increase
storage or warehouse floor space from
65,000 square feet to 220,000 square
feet pursuant to Section 1051 of the
Public Utilities Code.

Application No. 55148
(Filed September 3, 1974)

O P I N I O N

Applicant M.A.P. Warehouse & Trucking Co., dba Chaffee Warehouse & Trucking (M.A.P.), a corporation, has applied to this Commission for permission to increase its storage and warehouse floor space from 65,000 to 220,000 square feet, said 220,000 square feet being in excess of the 50,000 square feet allowed for expansion under Section 1051 of the Public Utilities Code of California.

M.A.P. is presently operating as a public utilities warehouse in Los Angeles, California, pursuant to a certificate of public convenience and necessity granted by Decision No. 81279 dated April 17, 1973 in Application No. 53868, in which this Commission authorized applicant to operate 65,000 square feet of storage and warehouse space.

The verified application discloses that M.A.P.'s present customers are requesting additional storage and warehouse space and the general public has made numerous requests for such space upon the applicant. The additional space will allow applicant to render a needed and useful public warehouse service.

M.A.P. proposes to lease a new facility located at 800-820 McCarry Street, Los Angeles, California, under a long-term lease commencing January 1, 1975. The structure is a five-story building with sprinklers for fire prevention, a private rail siding, and other facilities necessary for the operation of a public utility warehouse.

Applicant asserts that no public utility warehouse will be adversely affected by the granting of this additional space. There are no protests. A public hearing is unnecessary.

Findings

1. Public convenience and necessity require that applicant's proposal be authorized.

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

M.A.P.Warehouse & Trucking 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 M.A.P.Warehouse & Trucking Company, 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.
- b. Within one hundred twenty days after the effective date of this order, applicant shall establish the authorized service and amend tariffs on file with the Commission to reflect the authority granted.
- 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.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 81279, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2.b. above.

4. 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.

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

Dated at San Francisco, California, this 26th day of NOVEMBER, 1974.

Vernon L. Stein
President
William J. ...
...
Robert E. ...
Commissioners

M. A. P. Warehouse and Trucking 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(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>
Los Angeles	220,000

(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. 83762, Application No. 55148.