

Decision No. 83893

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of TRUCK WEST, a California corporation, doing business as WAREHOUSE WEST, for a certificate of public convenience and necessity authorizing operation of 40,000 square feet of space at San Lorenzo and for authorization to cease operations at San Leandro.

Application No. 55300  
(Filed November 7, 1974)

O P I N I O N

Truck West, a California corporation, doing business as Warehouse West, requests a certificate of public convenience and necessity authorizing operations as a public utility warehouseman in 40,000 square feet of space in the city of San Lorenzo and for authority to discontinue operations in 60,000 square feet of space in the city of San Leandro.

Pursuant to Decision No. 82232 in Application No. 54314, applicant was authorized to acquire a certificate of public convenience and necessity authorizing operations as a public utility warehouseman in 60,000 square feet of space in the city of San Leandro. Before applicant could commence operations it lost its lease in San Leandro and moved to its present location at San Lorenzo, which is contiguous to San Leandro. The present location consists of a modern single-story building of tilt-up construction, with concrete floors, 30-foot ceilings, and fully sprinklered. As of June 30, 1974, applicant indicated a net worth in the amount of \$46,240.

It is alleged that applicant has had several years of experience operating as a private warehouseman in the cities of Oakland, San Leandro, and San Lorenzo; and that the storers presently served in San Lorenzo need applicant's continued service.

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

After consideration the Commission finds that public convenience and necessity require applicant's service as a public utility warehouseman in 40,000 square feet of space in the city of San Lorenzo and that public convenience and necessity no longer require applicant's service as a public utility warehouseman in the city of San Leandro. 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 Truck West, 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 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.

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 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.

4. The certificate of public convenience and necessity granted by Decision No. 82232 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

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

Dated at San Francisco, California, this 30<sup>th</sup> day of DECEMBER, 1974.

Vernon L. Sturgeon  
President  
William J. ...  
Thomas Moran  
...  
Robert E. McFarland  
Commissioners

TRUCK WEST  
(A Corporation)  
doing business as  
WAREHOUSE WEST

Truck West, doing business as Warehouse West, 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>
2480 Baumann Street San Lorenzo (Alameda County)	40,000

(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. 83893, Application No. 55300.