

**ORIGINAL**

Decision No. 84048

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of WEBSTER DELIVERY SERVICE, INC., a California corporation, for authority to operate a public warehouse within the City of Commerce, and to sell and transfer said rights and WIDE WORLD CARGO SERVICE, INC., doing business as AMERICAN WAREHOUSE, INC. to purchase the operative rights as a public warehouse within the City of Commerce.

Application No. 55340  
(Filed November 21, 1974)

O P I N I O N

This is a joint application by Webster Delivery Service, Inc. (Webster), a California corporation, and Wide World Cargo Service, Inc. (Wide World), doing business as American Warehouse, Inc., a corporation, (both of whom are wholly owned subsidiaries of J & J Webster, Inc., a corporation), which is twofold in nature:

1. Webster is seeking to amend its existing warehouse certificate of public convenience and necessity, granted in Decision No. 81613 dated July 24, 1973, which authorizes the operation of 29,000 square feet at 886 North Mission Road, Los Angeles, to authorize service at 6360 South Greenwood, City of Commerce, where it moved on October 2, 1974.

2. Webster desires to transfer the above authority, as amended, to Wide World, without any consideration.

Wide World is not presently subject to the Commission's jurisdiction. Its unaudited balance sheet shows a net worth of \$4,260 as of October 31, 1974. It proposes to adopt California Warehouse Tariff Bureau Warehouse Tariff No. 28A and exceptions there-to and Tariff No. 29A, the same tariffs presently adopted by Webster.

The parties represent that Webster would be able to continue to serve its existing customers without interruption, as well as being able to serve the general public in the requested location; that public convenience and necessity require the transfer because of the substantial and continuing growth in population and industrial activity and a shortage of public warehousing in the City of Commerce; that there has been a demand for such services since Webster moved to the City of Commerce; that Wide World is financially able to own and operate a public warehouse; that Wide World will continue to service, without interruption, Webster's present warehouse accounts as well as offering its public warehouse facilities to the general public, thus serving the public convenience and necessity.

After consideration the Commission finds that the proposed location change to Webster's existing certificate and the proposed transfer of its operative rights under said certificate, as amended, would not be adverse to the public interest and concludes that both requests should be authorized and consolidated in a new certificate. There are no protests. A public hearing is unnecessary. The order which follows will provide for, in the event the transfer is completed, the revocation of the certificate presently held by Webster Delivery Service, Inc. and the issuance of a certificate in appendix form to Wide World Cargo Service, Inc., doing business as American Warehouse, Inc.

Wide World Cargo Service, Inc., doing business as American Warehouse, 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. On or before July 1, 1975, Webster Delivery Service, Inc. may transfer the operative rights referred to in the application to Wide World Cargo Service, Inc., doing business as American Warehouse, Inc., at the requested location.
2. Within thirty days after the transfer the transferee shall file with the Commission written acceptance of the certificate and a true copy of the bill of sale or other instrument of transfer.
3. Transferee shall amend or reissue the tariffs on file with the Commission, naming rates and rules governing the warehouse operations transferred to show that it has adopted or established, as its own, the rates and rules. 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 transfer. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 61-Series. Failure to comply with the provisions of General Order No. 61-Series may result in a cancellation of the operating authority granted by this decision.
4. On or before the end of the third month after the transfer the transferee shall cause to be filed with the Commission, in such form as the Commission may prescribe, an annual report, or reports, related to the operations of the seller for the period commencing with the first day of the current year to and including the effective date of the transfer.

5. 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 Wide World Cargo Service, Inc., doing business as American Warehouse, 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 of this decision.

6. The certificate of public convenience and necessity granted by Decision No. 81613 is revoked effective concurrently with the effective date of the tariff filings required by paragraph 3.

7. Transferee shall maintain its accounting records in conformance with any applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission, and each year shall file with the Commission an annual report of its operations in such form, content, and number of copies as the Commission, from time to time, shall prescribe.

8. 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 Diego, California, this 5<sup>th</sup> day of FEBRUARY, 1975.

Verma L. Steegom  
President  
William L. Smith, Jr.  
[Signature]  
Leonard Ross

Commissioners

Wide World Cargo Service, Inc., dba AMERICAN WAREHOUSE, 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>
City of Commerce	29,000

(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. 84048, Application No. 55340.