

ORIGINALDecision No. 84523

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
 of STATES WAREHOUSES, INC., a)
 corporation, to extend or in-)
 crease storage or warehouse floor)
 space from 85,000 square feet to)
 277,500 square feet, pursuant to)
 Section 1051 of the California)
 Public Utilities Code.)

Application No. 55481
 (Filed February 4, 1975)

OPINION AND ORDER

States Warehouses, Inc., a corporation, seeks to increase its storage and warehouse floor space from 85,000 square feet to 277,500 square feet, said 277,500 square feet being in excess of the 50,000 square feet allowed for expansion under Section 1051 of the Public Utilities Code of the State of California.

Applicant is presently operating as a public utility warehouseman in La Mirada pursuant to a certificate of public convenience and necessity granted by Decision No. 75535. Applicant also operates: (1) in intrastate commerce as a highway common carrier pursuant to Decision No. 82424 and as a permitted carrier under permits issued by this Commission and (2) in interstate and foreign commerce under a certificate of public convenience and necessity issued by the Interstate Commerce Commission in Docket No. MC-121155 (Sub 3).

Applicant states that it has had increasing demands made upon it by the storing public and the requested increase in storage and floor space is vitally necessary in the conduct of its business operations.

Applicant alleges that its present facilities are adequate to handle the proposed warehouse operations. Applicant declares

that it conducts warehouse operations at three locations in La Mirada (16000 Heron Avenue, 14489 Industry Circle and 16150 Heron Avenue) and the concrete tilt-up buildings at these locations encompass 277,500 square feet. Applicant avers that these structures are fully sprinklered and fully protected with an ADT alarm system for both fire protection and protective alert system. Applicant asserts that no public utility warehouse will be adversely affected by the granting of this additional space.

Copies of the application were mailed to Los Angeles Warehousemen's Conference and California Trucking Association. The application was listed on the Commission's Daily Calendar of February 7, 1975. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that:

1. Public convenience and necessity require that applicant's proposal be authorized.
2. With reasonable certainty, the project involved in this proceeding will not have a significant effect on the environment.

The Commission concludes that the application should be granted. A public hearing is not necessary.

States Warehouses, 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 cancelled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to States Warehouses, 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, 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 to do so 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 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. 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 in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision No. 75535, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) above.

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

Dated at San Francisco, California, this 10th day of June, 1975.

Vernon L. Sturgeon
President
William J. Quinn
Robert J. Quinn
Robert J. Quinn
Commissioners

States Warehouses, 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>
La Mirada	277,500

(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. 84523, Application No. 55481.