

Decision No. 84693**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of CONTINENTAL WAREHOUSE, INC.,)
a California corporation, for a)
Certificate of Public Conve-)
nience and Necessity to Operate)
a Public Warehouse in the City)
of Burlingame, State of Cali-)
fornia.)

Application No. 55651
(Filed April 25, 1975)

OPINION AND ORDER

Continental Warehouse, Inc., a California corporation, seeks a certificate of public convenience and necessity authorizing operations as a public utility warehouseman in 30,080 square feet of space in Burlingame.

Applicant states that, to its knowledge, there are no existing warehouse services presently available in the City of Burlingame or in the immediate vicinity and it has received a number of requests from various companies seeking available public warehouse space in or about Burlingame. Applicant has the financial ability to render the proposed services and its chief officer has had a broad background in warehousing and distribution as well as trucking operations.

Copies of the application were mailed to California Warehousemen's Association and several warehousemen. The application was listed on the Commission's Daily Calendar of April 28, 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 applicant's service as a public utility warehouseman in 30,080 square feet of floor space in Burlingame.

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.

Continental 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.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Continental 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, 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 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:

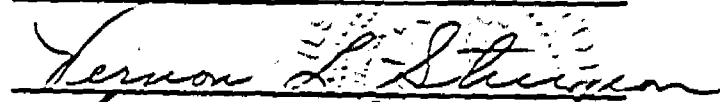
The warehouseman will not be required to accept for storage any commodity of a toxic nature which could contaminate other commodities in storage or be hazardous to the health of warehouse personnel. At warehouseman's option such hazardous or toxic commodities, when properly packaged and labeled to reduce 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.

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

Dated at San Francisco, California, this 22nd day of
July, 1975.


President






Commissioners

Commissioner William Symons, Jr., being
necessarily absent, did not participate
in the disposition of this proceeding.

Continental 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>
Burlingame	30,080

(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.

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