

ORIGINAL

Decision No. 85213

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Lee W. Cypress doing business)
as PACIFIC COAST STORAGE WARE-)
HOUSE, for a Certificate of)
Public Convenience and Necessity)
to Operate a Public Warehouse in)
the City of San Francisco, State)
of California.)

Application No. 56021
(Filed October 27, 1975)

OPINION AND ORDER

Lee W. Cypress, doing business as Pacific Coast Storage Warehouse, seeks a certificate of public convenience and necessity authorizing operations as a public utility warehouseman in 40,000 square feet of space in San Francisco.

Applicant states that, he has received a number of requests from various companies seeking available public warehouse space in or about San Francisco. Applicant has the financial resources, experience and personnel to conduct the proposed services.

A copy of the application was mailed to California Warehousemen's Association on October 24, 1975. The application was listed on the Commission's Daily Calendar of October 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 40,000 square feet of floor space in San Francisco.

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.

Lee W. Cypress 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 Lee W. Cypress authorizing him 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 he accepts the certificate he will be required, among other things, to file annual reports of his 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 one day after the effective date of this order on not less than one day's 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 his tariff a rule reading substantially as follows:


Hazardous or Toxic Commodities:

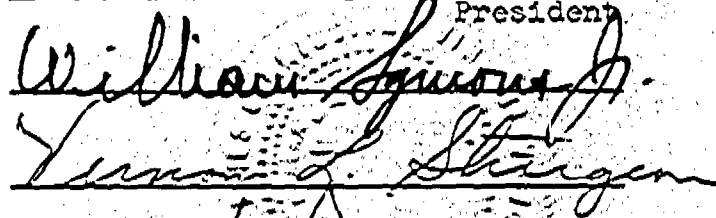
The warehouseman will not be required to accept for storage any commodity of a toxic nature which could contaminate other commodities in storage or be hazardous to the health of warehouse personnel. At warehouseman's option such hazardous or toxic commodities, when properly packaged and labeled to reduce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

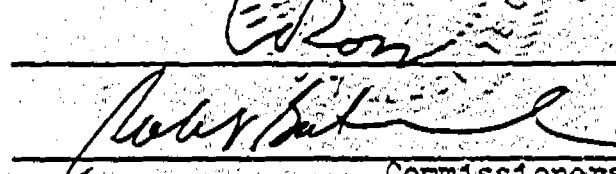
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The effective date of this order shall be December 15, 1975.

Dated at San Francisco, California, this 2nd day of
December, 1975.



President




Commissioners

Lee W. Cypress, 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>
San Francisco	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.

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