

Decision No. 85618

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of VERNE ROBINSON)
(Robinson Moving) for a certifi-)
cate of public convenience and)
necessity to operate a public)
warehouse in the City and County)
of San Francisco, State of Cali-)
fornia.)

Application No. 56130
(Filed December 19, 1975)

OPINION AND ORDER

Verne Robinson, doing business as Robinson Moving, seeks a certificate of public convenience and necessity authorizing operations as a public utility warehouseman in 4,000 square feet of space in San Francisco.

Applicant operates as a radial highway common carrier and a household goods carrier and mainly provides a delivery service for the decorating industry. Applicant states that several customers have been lost because he was unable to provide them with the warehouse services requested herein and other customers are demanding such services. Applicant avers that his operations cannot continue to grow or even be maintained unless he is able to store the merchandise of his customers. Applicant has the financial resources, experience, facilities and personnel to conduct the warehouse services involved.

A copy of the application was mailed to California Warehouseman's Association on December 19, 1975. The application was listed on the Commission's Daily Calendar of December 22, 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 4,000 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.

Verne Robinson 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 Verne Robinson, 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 so to do may result in 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 the Commission's office.
- (c) The tariff filings shall be made effective not earlier than five days after the effective date of this order on not less than five days' notice to the Commission and the public, and the effective date of the tariff filings shall be concurrent with the establishment of the authorized service.
- (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:

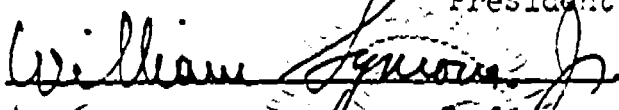

Hazardous or Toxic Commodities:


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.


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

Dated at Los Angeles, California, this 23rd day of March, 1976.



President



Vernon L. Sturgeon




Commissioners

Verne Robinson, 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 | 4,000 |

(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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