

Decision No. 86301**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Lyon Moving &  
Storage Co., a California corpo-  
ration, for authority to change  
the location of its public  
utility warehouse from Los  
Angeles to Vernon.

)  
)  
)  
)  
)  
)

Application No. 56596  
(Filed July 6, 1976)

OPINION AND ORDER

Lyon Moving & Storage Co., a California corporation, possesses a prescriptive operative right to operate as a public utility warehouseman for the operation of storage or warehouse floor space at 2808 West Pico Boulevard, Los Angeles. By this application, it seeks authority to change the location of its warehouse facilities from Los Angeles to Vernon.

Applicant alleges that it has heretofore conducted its public utility warehouse operations in leased facilities, the term of which lease has expired and the building has been sold. Applicant was therefore required to obtain other warehouse storage space, leasing a modern, one-story, fireproof facility capable of accommodating, from a height standpoint, two tiers of pallets and having an overall storage space of 35,350 square feet. The new location is approximately 7 miles from its Los Angeles warehouse.

Copies of the application were mailed to California Warehouse Tariff Bureau and California Trucking Association. The application was listed on the Commission's Daily Calendar of July 7, 1976. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that:

1. The proposed change of location would not be adverse to the public interest.

2. Public convenience and necessity no longer require applicant's operations as a public utility warehouseman at 2808 West Pico Boulevard, Los Angeles.

3. Public convenience and necessity require the services of applicant as a public utility warehouseman in 10,000 square feet of floor space in Vernon.

The Commission concludes that the application should be granted. A public hearing is not necessary. The order which follows will provide for revocation of the prescriptive operative right held by Lyon Moving & Storage Co., and the issuance of a certificate in appendix form to the applicant.

Lyon Moving & Storage Co., 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 Lyon Moving & Storage Co., 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 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 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 61-Series.

3. The certificate of public convenience and necessity granted in paragraph 1 of this order shall supersede applicant's existing prescriptive operative right covering operations at 2808 West Pico Boulevard, Los Angeles, which right is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) above.

A. 56596 - ANV

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

Dated at San Francisco, California, this 27<sup>th</sup> day of  
August, 1976.

*[Signature]*  
President  
*William Lyons*  
*James L. Stinson*  
*Leonard Ross*  
*Robert Bateman*  
Commissioners

Lyon Moving & Storage Co., 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>
Vernon	10,000

(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. 86301, Application 56596.