

ORIGINAL

Decision No. 86353

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application }  
of MODERN ICE & COLD STORAGE CO. }  
for an Increase in Rates. }

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Application No. 56584  
(Filed June 28, 1976)

O P I N I O N

Applicant is a public utility warehouseman for the storage of commodities requiring refrigeration at San Jose.

The rates charged by applicant for storage, handling, and other services incidental thereto, and the rules and regulations governing the application of rates at San Jose are contained in the following tariffs: California Warehouse Tariff Bureau Cold Storage Warehouse Tariff No. 20, Cal. P.U.C. No. 229 (Tariff No. 20); and California Warehouse Tariff Bureau Precooling Warehouse Tariff No. 21, Cal. P.U.C. No. 230 (Tariff No. 21).

Applicant requests authority to increase rates and charges set forth in Tariff No. 20 by approximately 12½ percent. Applicant also seeks to cancel its participation in Tariff No. 21. The requested rate increase has been determined by applicant without consultation or agreement with any other warehousemen. If the authority is granted the increased rates will be published in an individual tariff.

Applicant alleges that present rates are no longer compensatory due to increased costs of labor, power, taxes, and other operating costs and the increased rates are necessary to enable applicant to provide efficient service to the public.

Notice of the proposed increase was sent to each of applicant's storers. None of the storers have registered any objection to the proposed increase.

Findings

1. The proposed increase has been shown to be justified.
2. A public hearing is not necessary.

The Commission concludes that the application should be granted. Since there are no protests and since the cold storage warehouse industry will be deregulated effective January 1, 1977 (S.B. 1319, Ch. 58, Stat. 1976) the Commission further concludes that the effective date of this order should be the date on which it is signed.

O R D E R

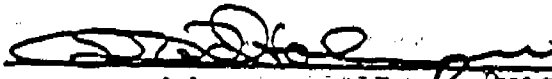
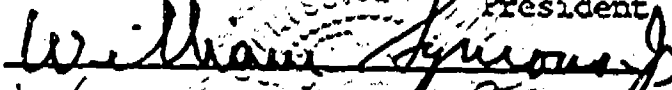


IT IS ORDERED that:

1. Applicant is authorized to establish the increased rates in Application No. 56584. Tariff publications authorized to be made as a result of this order shall be filed not earlier than the effective date of this order and may 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 to the public.
2. The authority shall expire unless exercised within ninety days after the effective date of this order.

3. The authority granted by this order is subject to the express condition that applicant will never urge before this Commission in any proceeding under Section 734 of the Public Utilities Code, or in any other proceeding, that this opinion and order constitute a finding of fact of the reasonableness of any particular rate or charge. The filing of rates and charges pursuant to this order will be construed as a consent to this condition.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 1st  
day of SEPTEMBER, 1976.

  
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President  
  
  
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Commissioners

Commissioner Leonard Ross, being necessarily absent, did not participate in the disposition of this proceeding.