

ORIGINAL

Decision No. 86472

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CARGILL OF CALI-)
 FORNIA, INC. for a certificate of)
 public convenience and necessity)
 to operate as a public warehouse)
 in the Town of Famoso, County of)
 Kern, State of California.)

Application No. 56690
 (Filed August 16, 1976)

OPINION AND ORDER

Cargill of California, Inc., (Cargill), a corporation, operates as a public utility warehouseman at Goshen (Tulare County) and West Sacramento, pursuant to a certificate of public convenience and necessity granted by Decision 76867 as amended by Decision 84679. By this application, Cargill seeks a certificate of public convenience and necessity authorizing operations as a public utility warehouseman with facilities capable of storing 270,000 bushels of grain and grain products at Famoso.

Applicant believes that the granting of the aforementioned authority is in the public interest as (1) the Famoso elevator is in a prime grain producing region; (2) Cargill's Goshen elevator has reached maximum capacity and is often unable to unload all of the grain delivered to it by the public; (3) there is an immediate need of additional elevator capacity; and (4) the operation of the facilities at Famoso will interact with its other facilities thereby providing increased efficiency and storage capacity in the trading and warehousing of grain. Applicant has the financial resources, experience and personnel to conduct the warehouse services involved.

Copies of the application were mailed to California Warehousemen's Association and Los Angeles Warehousemen's Conference

of California Trucking Association on or about August 17, 1976. The application was listed on the Commission's Daily Calendar of August 17, 1976. 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 with facilities capable of storing 270,000 bushels of grain and grain products at Famoso.

2. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

The Commission concludes that the application should be granted. A public hearing is not necessary. The order which follows will provide for consolidation of the warehouse operative right presently held by applicant with the operative right herein involved.

Cargill of California, 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 the 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 Cargill of California, 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 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 by Decision 76867, as amended by Decision 84679, is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

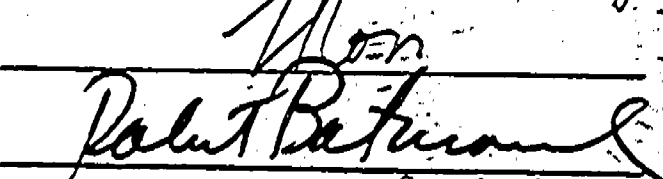
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The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 5th day of October, 1976.



President





Commissioners

Cargill of California, Inc., a corporation, 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>Area or Capacity</u>
Goshen (Tulare County)	8400 tons bulk storage
West Sacramento and vicinity	886,506 bushel capacity
Famoso	270,000 bushel capacity

(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 86471, Application 56690.