

ORIGINAL

Decision No. 86564

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of CONTINENTAL WAREHOUSE, INC., a)
California corporation, for a)
Certificate of Public Convenience)
and Necessity to Enlarge and)
Extend Its Public Warehouse Opera-)
tion.)

Application No. 56731
(Filed September 3, 1976)

OPINION AND ORDER

Continental Warehouse, Inc., a corporation, is presently operating as a public utility warehouseman in Burlingame pursuant to a certificate of public convenience and necessity granted by Decision 84693. By this application it seeks to increase its storage and warehouse floor space from 30,080 square feet to 115,080 square feet.

Applicant states that, since June 10, 1976, it has been contacted by 13 different firms seeking public warehouse space in Burlingame and it has verbal and written requests for approximately 40,000 square feet of space contingent upon approval of the Commission of this application. Applicant avers that it has investigated two suitable facilities available in Burlingame, one affording 55,700 square feet and the other affording 50,562 square feet. Applicant asserts that no public utility warehouse will be adversely affected by the granting of this additional space because it believes that, except for its own facilities, there are no existing warehouse services available in Burlingame, nor in its immediate vicinity.

Copy of the application was mailed to California Warehousemen's Association, Pacific Coast Service Co. and USCO Services Inc. The application was listed on the Commission's Daily Calendar of September 7, 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 that applicant's proposal be authorized.
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 effective date of this order should be the date hereof because there is an immediate need for this service.

Continental Warehouse, 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 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 Continental Warehouse, 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 in paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision 84693, which certificate is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b) above.

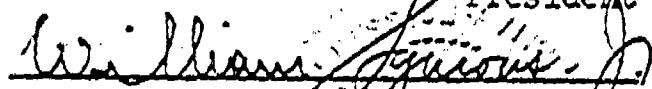
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The effective date of this order is the date hereof.

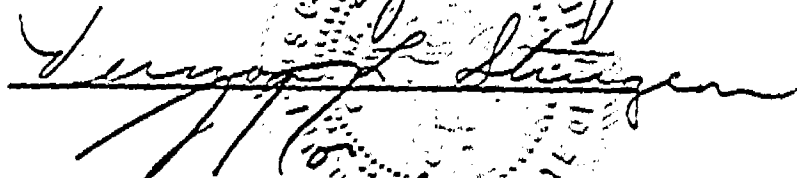
Dated at San Francisco, California, this 26th day of
October, 1976.



President



William J. Quous



Joseph L. Stinger



Robert Bateman
Commissioners

Continental Warehouse, Inc., 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>
Burlingame	115,080

(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 86564, Application 56731.