

ORIGINAL

Decision No. 87105

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Appli- )  
cation of: )

(a) WEBER TRUCK AND WAREHOUSE, )  
a corporation, to relocate its )  
public warehouseman operations )  
from Los Angeles, California to )  
Commerce, California; and )

(b) For authorization of )  
WEBER TRUCK AND WAREHOUSE to )  
cease operations at Los )  
Angeles, California; and )

Application No. 56952  
(Filed December 17, 1976)

(c) To extend or increase )  
storage or warehouse floor )  
space at Vernon, California )  
from 70,00 square feet to )  
175,000 square feet, pursuant )  
to Section 1051 of the Califor- )  
nia Public Utilities Code. )

OPINION AND ORDER

Weber Truck and Warehouse, a California corporation, possesses a certificate of public convenience and necessity as a public utility warehouseman for the operation of storage or warehouse floor space at Los Angeles and Vernon. By this application it seeks authority to transfer its public utility warehouse operations from Los Angeles to Commerce and to increase its storage or warehouse floor space at Vernon from 70,000 to 175,000 square feet.

Applicant also operates: (1) in intrastate commerce as a highway permit carrier and (2) in interstate and foreign commerce under a certificate of public convenience and necessity issued by the Interstate Commerce Commission in Dockets Nos. MC 41665 and MP 108869. Applicant has the financial resources,

experience, facilities and personnel to conduct the warehouse service involved.

Copy of the application was mailed to Los Angeles Warehousemen's Conference on or about December 6, 1976. The application was listed on the Commission's Daily Calendar of December 20, 1976. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that:

1. Public convenience and necessity no longer require applicant's operations as a public utility warehouseman in Los Angeles.
2. Public convenience and necessity require additional warehouse facilities at Vernon.
3. The proposed transfer would not be adverse to the public interest.
4. Public convenience and necessity require the services of applicant as a public utility warehouseman in 110,000 square feet of space in Commerce.
5. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
6. A public hearing is not necessary.
7. The order which follows will provide for revocation of the present certificate held by applicant and the issuance of a new certificate in appendix form to it.

The Commission concludes that the application should be granted.

The authorization granted shall not be construed as a finding of the value of the right authorized to be transferred.

Weber Truck and Warehouse 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 Weber Truck and Warehouse, 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 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 and twenty days after the effective date of this order, applicant shall establish the authorized service and file tariffs, in triplicate, in 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 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 its 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.

4. The certificate of public convenience and necessity granted by Decision 76335 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 15<sup>th</sup> day of March, 1977.

*Robert Belmont*

President

*William J. Gross*

*Thomas L. Stinson*

*Mark*

*Richard A. Lowery*

Commissioners

Weber Truck and Warehouse, 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>Number of Square Feet of Floor Space</u>
Commerce	110,000
Vernon	175,000

(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 87105, Application 56952.