

Decision No. 89081 JUL 11 1978

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of LIBERTY WAREHOUSE, )  
INC., a California corporation, ) Application No. 58075  
for Authorization to Operate a ) (Filed May 17, 1978)  
Public Warehouse. )

OPINION AND ORDER

Liberty Warehouse, Inc., a corporation, seeks a certificate of public convenience and necessity authorizing operations as a public utility warehouseman in 50,050 square feet and 282,265 cubic feet of space for the storage of grain and grain products at Dixon.

Applicant states that the existing warehouse facilities consist of five silos and two major warehouses located on the same parcel of real property at the corner of King and Yolano Roads, Dixon.

The warehouse facilities are conveniently located for the storage of grain and grain products in the northern section of the Greater Central Valley and are accessible to the Ports of Sacramento and Stockton as well as San Francisco and Oakland. There is a railroad spur track adjacent to the aforementioned facilities. Applicant has the financial resources experience and personnel to conduct the warehouse services involved.

The application was listed on the Commission's Daily Calendar of May 18, 1978. 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 in 50,050 square feet and 282,265 cubic feet of warehouse space in Dixon.
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.

Liberty 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 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 Liberty 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 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 No. 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 to 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.

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

Dated at San Francisco, California, this 11th day of JULY, 1978.

Robert B. Berman  
President

Richard D. Gault  
W. L. Sturgeon  
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Liberty 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 or Square Feet or Cubic Feet of Warehouse Space</u>
Dixon	5 silos 282,265 cu. ft. 2 buildings 50,050 sq. ft.

(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.

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