

ORIGINAL

Decision No. 89485 OCT 3 1978

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of UNITED CALIFORNIA EXPRESS AND)
STORAGE CO., a corporation, doing)
business as U.C. EXPRESS & STORAGE)
CO. (1) for a certificate of pub-)
lic convenience and necessity)
authorizing operation as a ware-)
houseman of general commodities at)
Oakland, California, and (2) for)
authorization to cease operations)
as a warehouseman of general com-)
modities at Berkeley, California.)

Application No. 58303
(Filed August 18, 1978)
(Amended September 11, 1978)

OPINION AND ORDER

United California Express and Storage Co., a corporation, possesses a prescriptive operative right as a public utility warehouseman for the operation of storage or warehouse floor space at Hayward and Berkeley. By this application, it seeks to transfer the Berkeley public utility warehouse operations to Oakland.

Applicant has the financial resources, facilities, experience and personnel to conduct the proposed warehouse operation.

Copies of the application and amendment to the application were mailed, on August 17 and September 8, 1978, respectively, to various public utility warehousemen authorized to operate at Oakland. The application and amendment were listed on the Commission's Daily Calendars of August 21, and September 13, 1978, respectively. 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 Berkeley.

A. 58303 - FS

2. Public convenience and necessity require the services of applicant as a public utility warehouseman in 30,000 square feet of space in Oakland.

3. The proposed transfer would not be adverse to the public interest.

4. It can be seen with certainty that the activity in question will have no significant effect on the environment.

5. A public hearing is not necessary.

6. 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.

United California Express and Storage Co. 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 United California Express and Storage Co., 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 as 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 to 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 the order shall comply with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order 61-Series.
- (e) Applicant shall maintain its accounting records on a calendar year basis in conformance with the applicable Uniform System of Accounts or Chart of Accounts as prescribed or adopted by this Commission, and shall file with the Commission on or before April 30 of each year, an annual report of its operations in such form, content and number of copies as the Commission, from time to time, shall prescribe.

3. Applicant shall, at the direction of the owner of any property in storage at the Berkeley location, transport such property to the new facility or any available public utility warehouse in the vicinity of the Berkeley location at the expense of applicant and at no expense or risk to the owner of the property transported.

A. 58303 - FS

4. The certificate of public convenience and necessity granted in Paragraph 1 of this order shall supersede the prescriptive operative right defined in Appendix "A" to Order Instituting Investigation and Determining Warehouse Operative Rights in Case No. 6934, which right is revoked effective concurrently with the effective date of the tariff filings required by Paragraph 2(b) above.

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

Dated at San Francisco, California, this 3rd day of OCTOBER, 1978.

Robert Batimicel
President
William Lyons Jr.
Vernon L. Sturgeon
Charles P. Hoyle
Clair T. Deziel
Commissioners

United California Express and Storage Co., 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>
Hayward	20,000
Oakland	30,000

(The floor space shown above 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 89485, Application 58303.