

HEC/FS*

ORIGINAL

Decision No. 9052S

JUL 3 1979

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of)

Kerman Warehouse, a branch of)
Helm Bean And Seed Warehouse,)
Inc., a California corporation)
for a Certificate of Public)
Convenience and Necessity, or)
permit, to operate a food ware-)
house.)

Application No. 58855
(Filed May 11, 1979)

OPINION AND ORDER

Helm Bean and Seed Warehouse, Inc., a California corporation, requests a certificate of public convenience and necessity to authorize operations of its Kerman branch warehouse as a public utility warehouseman. The Kerman facilities will consist of two warehouses comprising 16,000 square feet and 13,220 square feet, three fumigator rooms on site, two bulk storage tanks, two grain bulk storage tanks, eight mixer tanks and a complete cleaning line for grain and beans.

Applicant has a certificate of public convenience and necessity to operate as a public utility warehouseman near the community of Helm (Decision 73674 - dated January 30, 1968 in Application 49718). Applicant has acquired the Kerman warehouse facility from Berger and Plate Company of San Francisco. Berger and Plate Company operated the facility in accordance with the Federal Warehousing Act. The Kerman Warehouse seeks to serve local farmers producing blackeye beans and grain crops. Applicant has the financial resources, experience and personnel to conduct the proposed service.

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A copy of the application was mailed to the California Warehouseman's Association on April 30, 1979. The application was listed on the Commission's Daily Calendar of May 14, 1979. 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 of 29,220 square feet of floor space in Kerman.

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, and the effective date of this order should be as soon as possible because there is a need for the service. A public hearing is not necessary.

Helm Bean and Seed 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 Helm Bean and Seed Warehouse, Inc., to operate as a public utility warehouseman, as defined in Section 239(c) of the Public Utilities Code, a branch warehouse at Kerman (Kerman Warehouse) for the operation of storage or warehouse floor space set forth in Appendix B, 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 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 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.
- (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 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.

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

Dated at San Francisco, California, this 3rd day of JULY, 1979.

John E. Bayne
President
Thomas L. Stegman
Richard D. Staveland
Alfred J. ...
Lawrence ...
Commissioners

Helm Bean and Seed 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(c) of the Public Utilities Code, a branch warehouse at Kerman (Kerman Warehouse) for the operation of storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Kerman	29,220

(The floor space shown is exclusive of the expansion permissible under Section 1051 of the Public Utilities Code.)

(END OF APPENDIX B)

Issued by California Public Utilities Commission.

Decision 90526, Application 58855.