

Decision No. 90570 JUL 17 1979**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Orange Freight Consolidators,)
a California corporation, to in-)
crease storage warehouse floor)
space by authorizing an alterna-)
tive facility in the City of)
Anaheim, California, pursuant to)
Section 1051 of the California)
Public Utilities Code.)

Application No. 58937
(Filed June 13, 1979)

OPINION AND ORDER

Orange Freight Consolidators, a corporation, presently engaged as a public utility warehouseman in the storage and handling of general commodities at Orange, requests authority to provide service in 50,000 square feet of floor space at Anaheim.

Applicant is presently operating pursuant to Decision 86532, dated October 19, 1976 in Applications 56570 and 56738. Operations at the Orange location are authorized for 150,000 square feet. Applicant alleges that demand for storage facilities now is exceeding its present facilities and space has been found in Anaheim four miles distant from its present location.

Applicant represents that it is fit and able both by experience and financial qualifications, as demonstrated by the increasing demand for its facilities, to operate the additional storage facilities to serve the public need.

The application was listed on the Commission's Daily Calendar of June 15, 1979. A copy of this application was also served on the Los Angeles Warehousemen's Conference. No objection to the granting of the application has been received.

In the circumstances, the Commission finds that:

1. The proposed additional warehouse storage space would not be adverse to the public interest.

2. Public convenience and necessity require the services of applicant as a public utility warehouseman in 150,000 square feet of floor space in Orange and 50,000 square feet of floor space in Anaheim.

3. 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 order which follows will provide for consolidation of the warehouse operative right presently held by applicant with the operative right involved herein. The certificate will provide in appendix form for the operations as a public warehouseman at Orange and Anaheim. The Commission further concludes that the effective date of this order should be the date hereof as the public need requires this service as soon as possible.

Orange Freight Consolidators is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized nor 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 be given.

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Orange Freight Consolidators, 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 service regulations. Failure so to do may result in a cancellation of the authority.

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- (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 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 ten days after the effective date of this order on not less than ten 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 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.

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4. The certificate of public convenience and necessity granted paragraph 1 of this order shall supersede the authority set forth in Commission Decision 86532, dated October 19, 1976 in Applications 56570 and 56738, which is revoked effective concurrently with the effective date of the tariff filings required by paragraph 2(b).

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 17th day
of JULY, 1979.

John E. Byron
President
William L. Stevenson
Richard D. Howell
Clair T. Ferguson
Arnold W. King
Commissioners

Orange Freight Consolidators, 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>
Anaheim	50,000
Orange	150,000

(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 90570, Application 58937.