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Decision No. 96810

SEP 12 1979

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application }
of USCO SERVICE (sic), INC., a }
corporation, to relocate its }
public warehouseman operations }
from Commerce, (sic) California }
to Santa Ana, California, and }
cease operations at Commerce, }
California. }

Application No. 59029
(Filed July 26, 1979)

OPINION AND ORDER

USCO Services, Inc. (USCO), a Delaware Corporation, is presently operating as a public utility warehouseman in City of Commerce, San Francisco, South San Francisco and Vernon. By this application it seeks authority to transfer its public utility warehouse operations from City of Commerce to Santa Ana.

Applicant states that the building in City of Commerce, where it now conducts warehouse operations, has been sold and applicant is being forced to move. Applicant further states that it has successfully negotiated a lease with the present owner of a building it formerly occupied in Santa Ana. According to applicant, none of its storers in City of Commerce have any objection to the relocation, and applicant states it will move any property in storage at the time of relocation at its own expense.

Applicant asserts that no public utility warehouse will be adversely affected by the granting of this application for relocation.

A copy of the application was forwarded to the Los Angeles Warehousemen's Conference. The application was listed on the Commission's Daily Calendar of July 31, 1979. 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 City of Commerce.

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

3. Public convenience and necessity require the services of applicant as a public utility warehouseman in 200,000 square feet of space at Santa Ana.

4. It can be seen with reasonable certainty that the activity in question will not have a 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.

The Commission concludes that the application should be granted.

USCO Services, 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 USCO Services, 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 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.
- (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 City of Commerce location, transport such property to the new facility or any available public utility warehouse in the vicinity of the City of Commerce location at the expense of applicant and at no expense or risk to the owner of the property-transported.

4. The certificate of public convenience and necessity granted in Paragraph 1 of this order shall supersede the certificate of public convenience and necessity granted by Decision 89431 which certificate 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 SEP 12 1979 at San Francisco, California.

John E. Boyan
President

Vernon L. Shingen

Richard D. Kowalski

Clarence J. Deloach

Lawrence W. Quinn
Commissioners

USCO SERVICES, 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 of Square Feet of Floor Space</u>
San Francisco	100,000
Santa Ana	200,000
South San Francisco	80,500
Vernon	55,000

(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 90810, Application 59029.