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ORIGINAL

Decision No. 92220 SEP 3 - 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Colusa Bean Growers, Inc., a)
California corporation, for a)
certification of public convenience)
and necessity to operate)
a public warehouse in the County)
of Colusa, State of California.)

Application No. 59802
(Filed July 10, 1980)

O P I N I O N

Applicant Colusa Bean Growers, Inc. seeks a certificate of public convenience and necessity authorizing it to operate a bean processing and storage facility 1.17 miles south of the city of Colusa. The applicant's mill and warehouse is located in a 100' x 225', one-story, concrete, tilt-up building. The building is divided into two portions: (1) 7,500 sq.ft. is devoted to bean-milling equipment, and (2) 15,000 sq.ft. is devoted to bean storage. A 1,200-sq.ft. office is attached to the main structure. Adjacent to the office is a 70-foot truck scale. The structures are on 5 acres of land which has been leased by applicant for 20 years.

The officers of the corporation are experienced in the food growing and processing business and are well financed.

A copy of the application was mailed to California Warehousemen's Association in San Francisco. Notice of the filing of the application was printed in the Commission's Daily Calendar on July 15, 1980. No protests have been received. A public hearing is not necessary.

Findings of Fact

1. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

2. The following order should be made effective the date hereof since the projected completion date of the warehouse facility was August 1, 1980, and the harvest is imminent.

Conclusion of Law

A certificate of public convenience and necessity should be granted to applicant.

Applicant 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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Colusa Bean Growers, 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 of this decision.

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 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.

The effective date of this order is the date hereof.

Dated SEP 3 - 1980, at San Francisco, California.

John E. Byron
President
Yves L. Stegmann
Michael D. Howell
Clair T. Dineen
Samuel J. Quinn
Commissioners

Colusa Bean Growers, Inc., by the certificate of public convenience and necessity granted in the decision noted below, 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>
Colusa County, 1.17 miles south of the city of Colusa	15,000

(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 92220, Application 59802.