

Decision No. 92395 NOV 4 1980

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Fred C. Sproul, Jr., doing business)
as San Joaquin Warehouse, for a)
certification of public convenience)
and necessity to operate a public)
warehouse in the city of Lodi,)
county of San Joaquin, State of)
California.)

Application No. 59872
(Filed August 12, 1980)

O P I N I O N

Fred C. Sproul, Jr., doing business as San Joaquin Warehouse (applicant), seeks a certificate of public convenience and necessity to operate a 187,000-sq.ft. warehouse at 6161 East Highway 12, Lodi. The one-story building and land are owned by applicant. The brick building has a wood roof, is equipped with sprinkler and fire alarm systems, and has six enclosed truck doors. The warehouse will provide for the storage of wine and dry goods. Common carriers will move the goods into and out of the warehouse.

Applicant is a resident of Colorado Springs. According to financial statements attached to the application, applicant appears to have the financial ability to render the proposed warehouse services. He alleges that various potential customers have indicated an interest in using his warehouse facilities.

Notice of the filing of the application appeared in the Commission's Daily Calendar. No protests have been received. A public hearing is not necessary. The Commission concludes that the application should be granted.

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 Fred C. Sproul, Jr., doing business as San Joaquin Warehouse, authorizing him 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 he accepts the certificate he will be required, among other things, to file annual reports of his 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 shall be thirty days after the date hereof.

Dated NOV 4 1980, at San Francisco, California.

John E. Burns
President
Hermon L. Stinson
Michael W. Kinnell
Clarence T. ...
Thomas M. ...
Commissioners

Appendix A

FRED C. SPROUL, JR.
Doing Business As
SAN JOAQUIN WAREHOUSE

Fred C. Sproul, Jr., doing business as San Joaquin Warehouse, 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>
Lodi	187,000

(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 No. 92395, Application No. 59872.