

Decision No. 20388.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
 PORTERVILLE POULTRY ASSOCIATION,)
 a corporation, to lease to W. B. ROBY) Application No. 15038.
 the warehouse properties operated as a)
 public utility at Ducor, California.)

BY THE COMMISSION:

OPINION AND ORDER**ORIGINAL**

This is an application filed jointly by the Porterville Poultry Association, a corporation, and W. B. Roby, an individual, for an order under Section 51(a) of the Public Utilities Act authorizing the latter to lease for a period of one year the public utility warehouse properties located at Ducor and now being operated by the former. The property to be leased consists of one galvanized iron building containing 10,000 square feet of floor space.

The records show that the properties are owned by the Ducor Warehouse Company and were operated as a public utility by H. S. Brietigan as lessee during the period June 1, 1925, to May 31, 1928, and since then by the Porterville Poultry Association as lessee. Authority is now requested to transfer the lease held by the Association to its manager, W. B. Roby, who intends to operate the warehouse as a public utility according to the rates, rules and regulations shown in Tariff No. 4, C.R.C. No. 4, under which the properties are now being operated.

It is set forth in the application that the proposed transfer will not result in any change in the manner of operation

nor in the rates now being assessed.

We are of the opinion that this is a matter not requiring a formal hearing and that the application should be granted, therefore,

IT IS HEREBY ORDERED that the above entitled application be and the same is hereby granted, subject to the following conditions:

1. The consideration to be paid for the lease of the property herein authorized shall never be urged before this Commission or any other rate fixing body as a measure of value of said property for rate fixing, or any purpose other than the lease herein authorized.
2. Applicant, Porterville Poultry Association, shall immediately unite with applicant, W. B. Roby, in a common supplement to the tariff on file with the Commission, applicant Porterville Poultry Association on the one hand withdrawing, and applicant W. B. Roby on the other hand accepting and establishing, such tariff and all effective supplements thereto.
3. The rights and privileges herein authorized may not be sold, leased, transferred nor assigned, nor service thereunder discontinued, unless the written consent of the Railroad Commission to such sale, lease, transfer, assignment or discontinuance has first been secured.

Dated at San Francisco, California, this 24th day of October, 1928.

Leon Whittell

C. Seaver

W. B. Roby

M. A. Lee

Commissioners.