

LEM

Decision No. 21831.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
SUTTER BASIN IMPROVEMENT COMPANY,  
a California corporation, for author-  
ization and permission to lease ware-  
houses from Sutter Basin Corporation,  
a Delaware corporation. ) Application No. 16076

Devlin and Devlin and Diepenbrock, by  
Robert T. Devlin and Arthur C. Devlin,  
for applicant.

BY THE COMMISSION:

**ORIGINAL**

OPINION

In this proceeding the Sutter Basin Improvement Company requests the Commission to enter its order authorizing it to lease from Sutter Basin Corporation, a Delaware corporation, the warehouses specifically described in this application under the terms and provisions of the lease filed as Exhibit "A", and further asks that it be permitted to maintain and operate such warehouses as public utility warehouses, subject to the rules and regulations governing the service and charges therefor set forth in Exhibit "B" filed in this proceeding. The Sutter Basin Corporation joins in the application.

It is alleged that Sutter Basin Corporation is the owner of three warehouses and warehouse sites known as Seymour Warehouse Site, Subaco Warehouse Site and Subaco Hay Warehouse Site, together with the lands on which the same are situate. It is further alleged that these several warehouse properties, subject to certain Southern Pacific Company rights of way, were acquired

by said Sutter Basin Corporation, by purchase from the California Pacific Title and Trust Company, which company had previously acquired the same by purchase from Sutter Basin Company and The Bank of California N.A. acting as trustee for Sutter Basin Company, subsequent to foreclosure proceedings. The testimony of G. J. Henle, Jr., Secretary-Treasurer of Sutter Basin Corporation, shows that the Sutter Basin Company defaulted in the payments of its bond interest on February 1, 1927, and the property of that company was sold at a trustee's sale July 31, 1928 to the California Pacific Title & Trust Company and that the property on which the warehouses are located was either specifically excepted or not included in the mortgage, and title to that property, with other property, was conveyed by the Bank of California N.A. as trustee under Sutter Basin Company trust indenture to the California Pacific Title & Trust Company who, in turn, transferred it to Sutter Basin Corporation.

It appears from the record that it is in the public interest that the warehouse in question should be maintained and operated. The Sutter Basin Improvement Company is willing to operate the same under the proposed lease for a period of five years beginning August 1, 1928. The lease provides for an annual rent payment of \$1,892.07 for Warehouse No. 4, described as the Seymour Warehouse Site, for an annual rent of \$1,879.58 for Warehouse No. 5, known as Subaco Warehouse Site, and an annual rent of \$431.54 for the properties described as Subaco Hay Warehouse Site. The total annual rent aggregates \$4,203.19 for all of the properties. It was the opinion of Mr. G. J. Henle, that the company will be able to meet the annual rent as the same becomes due.

The Sutter Basin Improvement Company requests that it be permitted to maintain and operate the warehouses in question, subject to the rules, regulations and rates set forth in Exhibit "B" filed in this proceeding. Said rules, regulations and rates are the same as were established and filed with the Commission by the Sutter Basin Company. The Commission has no objection to the continuing in effect of such rules, regulations and rates.

ORDER

Sutter Basin Improvement Company having asked permission to lease certain warehouse properties described in this application and to maintain and operate the same as public utility warehouses, subject to the rules, regulations and rates set forth in Exhibit "B" filed in this proceeding, a public hearing having been held before Examiner Fankhauser, and the Commission being of the opinion that this application should be granted, as herein provided, therefore,

IT IS HEREBY ORDERED that Sutter Basin Improvement Company and Sutter Basin Corporation may execute the lease filed in this proceeding as Exhibit "A".

IT IS HEREBY FURTHER ORDERED that Sutter Basin Improvement Company may maintain and operate the aforesaid warehouses as public utility warehouses, subject to the rules and regulations governing the service and charges therefor set forth in Exhibit "B" filed in this proceeding.

DATED at San Francisco, California, this 20<sup>th</sup> day of December, 1929.

Thomas D. Latta  
W. J. Latta  
W. J. Latta  
Leon A. White  
W. J. Latta  
Commissioners.