

LEM

Decision No. 21952.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
J.C.LOOMIS, INCORPORATED,
a corporation, for a permit to (1)
lease its public utility properties,
(2) to be adjudicated not a public
utility.

ORIGINAL

Application No. 16153

BY THE COMMISSION:

O P I N I O N

In this proceeding the Railroad Commission is asked to make its order;

- (1) Authorizing J. C. Loomis, Incorporated, to lease its public utility properties to J.C.Loomis in accordance with the terms of a lease, a copy of which is filed as Exhibit "A";
- (2) Authorizing J.C.Loomis, Incorporated, to discontinue its public utility business; and
- (3) Declaring that J.C.Loomis, Incorporated, is no longer a public utility corporation under the jurisdiction of the State of California.

It is of record that J.C.Loomis, Incorporated, is engaged in the general mercantile business in Hemet, Riverside County, and in connection therewith, in the public utility warehouse business. It appears that the public utility operations constitute but a small portion of the company's total business. Applicant asks that its

request be granted in order that it may cease to do business as a public utility and that it may separate its business from that of a public utility corporation.

To accomplish this, applicant proposes to lease its warehouse properties to J.C.Loomis until May 31, 1933 at a monthly rental of \$100.00. The properties to be leased are reported as follows:-

- WAREHOUSE NO. 1 being a warehouse located on West Florida Avenue in the City of Hemet on a portion of Farm Lot 182 of the lands of the San Jacinto Land Association;
- WAREHOUSE NO. 2 being a brick warehouse located on North 79.75 feet of Lots 1, 2, 3, 4 and 5 in Block 21 of the City of Hemet, as per Map in Block 15 of Maps, page 702 thereof, records of San Diego County, California.
- WAREHOUSE NO. 4 Iron covered warehouse located on Right of Way of Santa Fe Railroad and lying between Latham and Devonshire Avenues in the City of Hemet, Riverside County, State of California.
- WAREHOUSE NO. 3 Frame Warehouse located on Right of Way of Santa Fe Railroad and lying between Latham and Devonshire Avenues in the City of Hemet, Riverside County, State of California;

Reserving, however, to LESSOR space in the rear of Warehouse No. 1 for the use of Lessor's seed cleaning machinery and space in Warehouse No. 4 for the rolling mill and machinery of Lessor for its barley roller and feed mixing plants.

Warehouses Numbers two, three and four are operated by J. C. Loomis, Incorporated, under a lease terminating May 31, 1933. J. C. Loomis testified that he will continue to operate the warehouses as public utility warehouses under the same rates for storage as are now charged by applicant.

The order herein will authorize J.C.Loomis, Incorporated, to lease its warehouse properties and to discontinue its public utility business. We do not believe that we have sufficient authority to enter an order declaring that the corporation is no longer a public utility. From the date of the withdrawal by applicant of the tariffs on file with the Commission and their adop-

tion by J.C.Loomis, we will require him to file annual reports.

O R D E R

Application having been made to the Railroad Commission, as indicated in the foregoing opinion, 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 J. C.Loomis, Incorporated, be, and it hereby is, authorized to lease to J.C.Loomis its warehouse properties and equipment described in, and subject to the terms and conditions of, the proposed lease by and between J.C. Loomis, Incorporated, and J.C.Loomis, a copy of which lease is filed as Exhibit "A" in this proceeding.

IT IS HEREBY FURTHER ORDERED that J.C.Loomis, Incorporated, be, and it hereby is, authorized, upon the lease of its properties to J.C.Loomis and the assumption of its public utility operations by J.C.Loomis, to discontinue and withdraw from its public utility warehouse operations.

The authority herein granted is subject to the following conditions;-

- (1) J.C.Loomis, Incorporated, and J.C.Loomis shall file
With the Commission in duplicate, supplements to the tariffs on file with the Commission in the name of J.C.Loomis, Incorporated, the former withdrawing and the latter accepting and establishing as its own, such tariffs and all effective supplements thereto.

- (2) The authority herein granted to lease properties shall not be urged before this Commission or other public body or court as a measure of value of the properties leased, or as determining that the rent to be paid for the properties is a reasonable operating expense for the purpose of fixing rates, or other purpose.
- (3) The authority herein granted will become effective upon the date hereof.

DATED at San Francisco, California, this 27th
day of December, 1929.

David B. Leland

Alvin J. ...

Ernest ...

W. J. ...

Commissioners.