

Decision No. 23225

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 BIRCH-SMITH FURNITURE COMPANY, a )  
 corporation, for authority to trans- ) Application No. 17022.  
 fer warehouse business and to lease )  
 warehouse properties at Los Angeles )  
 to A. OTIS BIRCH. )

BY THE COMMISSION:

ORDER

In this proceeding the Railroad Commission is asked to make an order authorizing the transfer of a warehouse business conducted by the Birch-Smith Furniture Company at Los Angeles, to A. Otis Birch and to permit the latter to lease for a period of three (3) years from the 1st day of January, 1931, to and including the 31st day of December, 1933, at a monthly rental of thirty-six hundred dollars (\$3,600.00) the public utility warehouse properties now being operated by the Birch-Smith Furniture Company. The properties to be leased are described in the application as follows:

"All of Lots Thirty-six (36), Thirty-seven (37) and Thirty-eight (38) of the Ringe Tract, as per map of record in Book 72, Page 17, Miscellaneous Records; and

"Lot Four (4), Block 3, Hancox's Survey, as per map of record in Book 2, Page 108 of Miscellaneous Records;

"Together with the warehouse, outbuildings and equipment situated thereon."

The records show that the warehouse and properties sought to be transferred have been operated by the Birch-Smith

Furniture Company as a public utility since July 26, 1927, under the rates, rules and regulations shown in Warehouse Tariff No. 1, C.R.C. No. 1, lawfully on file with the Commission. The application shows that A. Otis Birch, who is president of the Birch-Smith Furniture Company, will continue to operate the warehouse as a public utility according to rates, rules and regulations shown in the present tariff.

It appears to the Commission that this is not a matter in which a public hearing is necessary and that the application should be granted as herein provided, therefore

IT IS HEREBY ORDERED that Birch-Smith Furniture Company be, and it hereby is, authorized to lease and transfer its warehouse business and properties as described herein to A. Otis Birch in accordance with the terms and conditions of the lease of December 16, 1930, a copy of which is filed with the application, and A. Otis Birch be, and he hereby is, authorized to acquire and operate such properties.

The authority herein granted is 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 Birch-Smith Furniture Company shall immediately unite with applicant A. Otis Birch in a common supplement to the tariffs on file with the Commission, applicant Birch-Smith Furniture Company on the one hand withdrawing, and applicant A. Otis Birch on the other hand accepting and establishing such tariffs 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 30<sup>th</sup> day of December, 1930.

C. J. Dennis

Leon Whitney

W. B. Lunt

Commissioners.