

Decision No. 23384

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application }
of STEARNS WHARF COMPANY, a cor- }
poration, for an order authoriz- }
ing it to lease wharf space and }
to cancel Item 9 of its Wharf }
Tariff No. 3, C.R.C. No. 3 }

Application No. 23384

BY THE COMMISSION:

OPINION AND ORDER

By application filed April 3, 1940, Stearns Wharf Company, a corporation operating as a public wharfinger in the City of Santa Barbara, seeks authority to lease 6,452 square feet of space on its wharf to Larco Fish Company at a monthly rental of \$105; 1,115 square feet to George V. Castagnola at a monthly rental of \$50; and 192 square feet to Castagnola Bros. at a monthly rental of \$15. It is alleged that this space is not required for public utility service. Applicant also seeks authority to cancel "Item 9 of its Wharf Tariff No. 3, C.R.C. No. 3," which item is said to provide a rate of \$1.00 per ton for wharfage service on fresh fish. It alleges that there is little likelihood of fish being handled in public utility service after the leases are consummated and that the rate on "merchandise, not otherwise listed" would be applicable in the event traffic of this nature should develop.

Under the circumstances set forth it appears that this is a matter in which a public hearing is not necessary and that the sought authority to lease space should be granted. With regard to the proposed rate cancellation, however, applicant's rates now on file with the Commission are those stated in its Wharf Tariff No. 2, C.R.C. No. 2, and Supplements 4 and 7 thereto.

That tariff provides rates of \$1.00 per ton on both fresh fish and "merchandise, not otherwise listed" and cancellation of the fish rate would not result in an increase for which authority from the Commission is required. Therefore, good cause appearing,

IT IS HEREBY ORDERED that Stearns Wharf Company be and it is hereby authorized to lease 6,452 square feet of space to Larco Fish Company at a monthly rental of \$105; 1,115 square feet of space to George V. Castagnola at a monthly rental of \$50; and 192 square feet of space to Castagnola Bros. at a monthly rental of \$15.

IT IS HEREBY FURTHER ORDERED that in all other respects the above entitled application be and it is hereby denied.

This order shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 9th day of April, 1940.

Ray L. Riley
Frederick R. Murphy
W. J. Bonafant
W. H. H. H.
Justice J. Cameron
Commissioners