

ORIGINAL

Decision No. 36050

## BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of BIRCH-SMITH STORAGE COMPANY, )  
a corporation, for authority to ) Application No. 25333  
sell real estate. )

BY THE COMMISSION:

OPINION AND ORDER

By Decision No. 36008 of December 8, 1942, in Application No. 25394, Birch-Smith Storage Company, a corporation, was authorized to sell and transfer to Lyon Van and Storage Company, a corporation, its operative right to conduct public utility warehouse operations in Los Angeles. In this application, as amended, it seeks authority to sell certain real property which it has used in its public utility warehouse business.

Upon transfer of the operative right here involved and cancellation of applicant's rates, applicant will no longer be engaged in conducting a public utility warehouse business and, as it points out, the property involved will thereupon become non-utility property.<sup>1</sup> Authority from the Commission to sell or otherwise encumber such property is not required. Nevertheless, applicant desires that an order be issued authorizing the sale of the property involved in order that there may be no possibility of there being a cloud upon the title of said property.

It appears that this is a matter in which a public hearing is not necessary and that the application should be granted.

Therefore, good cause appearing,

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Decision No. 36008, supra, requires that immediately upon transfer of the operating right, tariffs on file with the Commission naming rates, rules and regulations covering the warehouse operations involved shall be amended to show that Birch-Smith Storage Company has withdrawn from or cancelled said rates, rules and regulations and that Lyon Van and Storage Company has concurrently adopted and established them as its own. The applicant states that the sale of the operative right to Lyon Van and Storage Company has been consummated. However, the tariff has not yet been amended.

IT IS HEREBY ORDERED that to the extent that the authority of this Commission may be required, Birch-Smith Storage Company, a corporation, be and it is hereby authorized to sell to Bekins Van and Storage Company the property described in Application No. 25333, as amended.

IT IS HEREBY FURTHER ORDERED that sale of the property here involved be and it is hereby conditioned upon the cancellation of rates now filed with the Commission covering public utility warehouse operations by Birch-Smith Storage Company, a corporation, and the filing of similar rates, rules and regulations covering like operations by Lyons Van and Storage Company, a corporation, in accordance with the requirements of Decision No. 36008 of December 8, 1942, in Application No. 25394.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 22nd day of December, 1942.

Justus J. Quinner

Francis R. Stevenson  
Richard K. Lachse  
Commissioners.