

Decision No. 36930

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application }
of Kellogg Express and Draying }
Co., a corporation, for an order } Application No. 25997
authorizing it to sell and trans- }
fer the vessel "South Shore." }

BY THE COMMISSION:

ORDER OF DISMISSAL

Applicant is engaged, among other things, in the transportation of property as a common carrier by vessel between points on the inland waters of San Francisco Bay and its tributaries. It seeks authority to sell its vessel "South Shore" to Victor Raahague for the sum of \$8,000. Applicant's president alleges, under oath, that the vessel is not necessary or useful in the performance of its duties to the public and that while the Commission's authority is not believed to be necessary in connection with the proposed sale the application is filed as a matter of precaution.

The statutory provisions involved, contained in Section 51(a) of the Public Utilities Act, are as follows:

"No public utility shall henceforth sell, lease *** or otherwise dispose of or encumber the whole or any part of its*** property necessary or useful in the performance of its duties to the public *** without first having secured from the railroad commission an order authorizing it so to do. **** Nothing in this subsection contained shall be construed to prevent the sale, lease or other disposition by any public utility of property which is not necessary or useful in the performance of its duties to the public.****"

In view of the foregoing, the Commission's approval is not required. The application will be dismissed.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the above entitled application

be and it is hereby dismissed.

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

Dated at San Francisco, California, this 7th day of March, 1944.

Richard Kachse
Justus F. Craven
Francis R. Havenor
Francis Dean
Frank Powell
Commissioners