

Decision No. 37004

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

**ORIGINAL**

In the Matter of the Application of )  
STOCKTON WAREHOUSE COMPANY, a corp- )  
oration, for an order (a) authorizing )  
it to discontinue its public utility )  
warehouse business in the City of )  
Stockton, California, and (b) author- )  
izing it to lease its operative )  
properties to WILBUR-ELLIS COMPANY, )  
a corporation, and HASLETT WAREHOUSE )  
COMPANY, a corporation. )

Application No. 25076

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

By Decision No. 35553 of July 7, 1942, in this proceeding, Stockton Warehouse Company, a corporation, was authorized to lease to Wilbur-Ellis Company and Haslett Warehouse Company, corporations, certain property and equipment used in public utility warehouse operations at Stockton. Stockton Warehouse Company was also authorized to discontinue public utility operations. The lease expires May 31, 1944.

By supplemental application, Stockton Warehouse Company seeks authority to execute a lease to Haslett Warehouse Company, Brayton Wilbur, Thomas G. Franck, E. W. Lockwood and Ray B. Matson. The latter propose to continue the warehouse operations in question. Wilbur-Ellis Company seeks authority to withdraw from those operations. The terms and provisions of the proposed lease are substantially the same as those of the former lease. No change in the tariff rates or in the service to the public is proposed.

Section 51(a) of the Public Utilities Act provides:

"No public utility shall henceforth sell, lease, assign, mortgage, 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, and Stockton Warehouse Company having been relieved from the performance of its duties to the public by the prior decision in this proceeding, the Commission's approval of the proposed lease is not required. Wilbur-Ellis Company, however, will be permitted to withdraw from the present operating arrangement, thereby enabling the other applicants to continue the present service. A public hearing is not necessary.

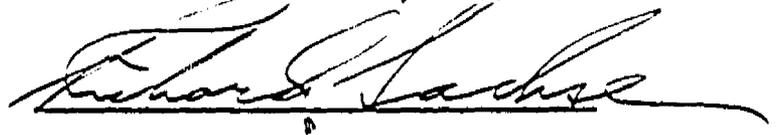
Therefore, good cause appearing,

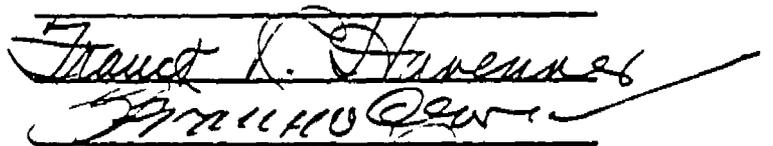
IT IS HEREBY ORDERED that, upon cancellation of its participation in the tariffs now on file, Wilbur-Ellis Company, a corporation, be and it is hereby authorized to withdraw from public utility warehouse operations at Stockton.

IT IS HEREBY FURTHER ORDERED that in all other respects the supplemental application, dated March 22, 1944, in this proceeding be and it is hereby dismissed.

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

Dated at San Francisco, California, this 18<sup>th</sup> day of April, 1944.





  
Commissioners