

Decision No. 37427

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

**ORIGINAL**

In the Matter of the Application of )  
HOWARD TERMINAL, a corporation, for )  
an Order authorizing leasing of cer- )  
tain premises. )

Application No. 26343

BY THE COMMISSION:

ORDER OF DISMISSAL

By this application Howard Terminal, a public utility warehouseman and wharfinger at Oakland, seeks authority to lease property approximating 4,892 square feet of floor space to Kieckhefer Container Company. It represents that this space is not necessary or useful in its public utility operations.

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 \*\*\*."

Under the circumstances, the Commission's approval of the proposed lease is not required.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the above entitled application be and it is hereby dismissed.

Dated at San Francisco, California, this <sup>th</sup> 24 day of October, 1944.

*Charles R. ...*  
*James J. ...*  
*Francis D. ...*  
*...*  
*...*  
Commissioners