

Decision No. 37991

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of LYON McKINNEY and ARNOLD)
SALLABERRY for permission to with-)
draw the Berenda Warehouses No. 1)
and No. 2 from public use and that)
said Warehouses may no longer be)
operated as public Warehouses.)

ORIGINAL

Application No. 26560

BY THE COMMISSION:

Appearances

Sherwood Green, for Applicants
William Campbell, for Campbell Bros.
M. R. Roberts, in propria persona
George A. Gordon, in propria persona

O P I N I O N

By this application, as amended, Lyon McKinney and Arnold Sallaberry, co-partners, seek authority to discontinue their public utility warehouse operations at Berenda Station a point in Madera County some nine miles north of Madera.

A public hearing was had at Madera on June 6, 1945, before Examiner Mulgrew.

Two storage warehouses for sacked grain, one of 2,500 and the other of 750 tons capacity, are involved. The larger house is to be converted to bulk storage. One of the partners testified that, when converted, the partners desire to use this warehouse exclusively for storing their own grain; that, although they grow enough grain to fill both warehouses, they will, to some extent, use utility storage facilities so that space in the 750-ton house may be rented to those persons who have heretofore patronized their public facilities. The witness stated that grain now in storage would be allowed to remain until such time as the storers desire its removal.

Applicants' patrons, six in number, were notified of the

proposed discontinuance. Only three of them appeared at the hearing. They did not oppose the granting of the application, but stated that storage facilities would be available to them either under the rental arrangements offered by applicants or at the remaining public warehouses in the same vicinity.

Upon consideration of all of the facts of record we are of the opinion and find that the proposed discontinuance of service should be authorized.

O R D E R

A public hearing having been held in the above entitled proceeding, and based upon the evidence received at the hearing and upon the conclusion set forth in the preceding opinion,

IT IS HEREBY ORDERED that Lyon McKinney and Arnold Sallaberry, co-partners, be and they are hereby authorized to discontinue public utility warehouse operations at Berenda Station; and that they shall, immediately upon the discontinuance of the aforesaid operations and on not less than five (5) days' notice to the Commission and to the public, cancel their tariff naming rates, rules and regulations for the service involved.

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

Dated at San Francisco, California, this 19th day of June, 1945.

Harold Rudman
Justice J. C. Quinn
Richard T. Schaefer
Francis W. Owen
Walter H. Dwyer
Commissioners