

ORIGINAL

Decision No. 52784

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
HASLETT WAREHOUSE COMPANY, a corpor-
ation, for authorization to cancel
a written lease of warehouse facilities
at 51 Webster Street, Oakland, Califor-
nia.

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) Application No. 37611
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O P I N I O N

The application herein was filed on December 22, 1955. Applicant seeks authority to cancel a lease that it holds from Warehouse Investment Company. The property is known as 51 Webster Street, Oakland. Applicant leases and operates 40,000 square feet of cold storage space and 80,000 square feet of dry storage space as a public warehouseman on this property.

The application states that the property at 51 Webster Street is needed for a freeway. The State Department of Public Works, Division of Highways, has threatened to condemn it. Warehouse Investment Company has, under this threat, agreed to sell the property to the State of California.

It is further alleged that the State will give to applicant warehouseman a firm commitment that it may continue to operate at 51 Webster Street until August 31, 1956. Thereafter applicant's tenancy may be terminated on sixty days' notice. (1)

Applicant alleges that it intends to seek other property in Oakland in which to continue its public warehouse business. Under the terms of its agreement applicant can terminate its tenancy on thirty days' notice either before or after August 31. If evicted before it secures a new warehouse location applicant will ask the

(1) While the Commission finds that the authority herein sought is not adverse to the public interest, we desire to point out that public utilities operative property may not be removed from the public service without first securing the authority of this Commission so to do. (Northwestern Pacific R.R. Co. vs. Superior Court 34 Cal 2d 454.)

Commission for a suspension of this operating right.) ✓

There appears to be nothing contrary to the public interest in granting the authority here sought when the circumstances are considered. Accordingly the application will be granted. Since applicant's counsel has advised that an escrow has already been opened, the following order will be made effective as of its date. A public hearing is not necessary.

O R D E R

Application having been filed, the Commission having considered the same, and basing its judgment on the findings and conclusions set forth in the foregoing opinion; therefore

IT IS ORDERED:

That Haslett Warehouse Company, a California corporation, is authorized to execute an agreement with Warehouse Investment Company for the termination of a written lease dated August 27, 1952, and covering real property located in Oakland, Alameda County, California, bounded by Webster, Water, First and Franklin Streets, and known as No. 51 Webster Street.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 15th day of March, 1956.

[Signature]
 President

[Signature]

[Signature]

[Signature]

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 Commissioners