

**ORIGINAL**Decision No. 56863

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)  
 of HOWARD T. JOHNSTON, doing  
 business as CALIFORNIA SEED AND  
 FERTILIZER COMPANY, to cancel  
 lease.

Application No. 39926

O P I N I O N

Howard T. Johnston, doing business as California Seed and Fertilizer Company, and presently engaged in a warehouse operation in Yuba City, requests authority to terminate a lease.

Applicant is primarily engaged in mercantile operations and incidental thereto operates a small public utility warehouse having a reported capacity of 10,000 tons of grain, beans and rice. The Commission is informed that about 1 per cent of applicant's gross income represents public utility warehouse revenue. Yuba City has a population of less than 150,000 and therefore applicant is not required to have a certificate of public convenience and necessity.

By Decision No. 50662, dated October 19, 1954, in Application No. 35850 the Commission authorized applicant to sell and transfer three acres of land, upon which are located his warehouse and yard facilities, to one Stanley Yori and thereafter to lease back the premises for a period of ten years at a monthly rental of \$2,500.

Because of financial difficulties applicant and Yori entered into an agreement to cancel the ten-year lease. Applicant requests authority to execute the agreement and to enter into a new one-year lease for a portion of the premises at a monthly rental

of \$500. He alleges that he will continue his public utility warehouse operations.

After consideration the Commission is of the opinion and so finds that the proposed termination of the lease will not be adverse to the public interest. A public hearing does not appear to be necessary.

O R D E R

Application having been filed and the Commission being informed in the premises,

IT IS ORDERED that Howard T. Johnston is hereby authorized to execute an agreement with Stanley Yori to cancel a ten-year lease on property upon which applicant is conducting warehouse operations in Yuba City.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 17th day of June, 1958.

[Signature]  
President

[Signature]

[Signature]

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Commissioners