

ORIGINALDecision No. 75824

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of H & L TRANSPORT, INC., a
corporation, for ex parte consid-
eration and order authorizing the
leasing of public utility warehouse,
including real and personal property
to CARGILL OF CALIFORNIA, INC., a
corporation.

Application No. 51022
(Filed April 23, 1969)

O P I N I O N

Applicant H & L Transport, Inc. (hereinafter referred to as H & L), possesses a certificate of public convenience and necessity under which it is engaged in the business of a warehouseman as defined in Section 239(b) of the Public Utilities Code of the State of California, pursuant to Decision No. 71891, dated January 24, 1967, in Application No. 48834.

Cargill of California, Inc. (hereinafter referred to as Cargill), is a California corporation, organized and existing under and by virtue of the laws of the State of California.

H & L requests authority to lease to Cargill certain real and personal property as described in the application and exhibits thereto attached.

The reason H & L desires to lease the above-described real property and personal property is that to conduct the operation efficiently, it would have to engage more fully in the grain brokerage business and H & L does not have the management nor the personnel to satisfactorily and economically conduct this type of operation. Also, there is an urgent desire for the principal

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officer and stockholders to retire from active participation in the business.

Cargill requests permission to lease the warehouse and warehouse facilities and real property and personal property described in this application for the purpose of operating said warehouse under the provisions of the United States Warehouse Act, offering both storage and grain drying facilities. The facilities are situated at a central distribution point for satisfactory operation. Cargill will not be engaged in any transactions while operating this warehouse facility that will be subject to the jurisdiction of this Commission, as defined in Section 239(b) of the Public Utilities Code of the State of California.

H & L alleges there are sufficient public warehouses in the area to adequately meet the needs of the public.

There were no protests to the application. After consideration the Commission finds that the discontinuance of applicant's service in Goshen, Tulare County, California, subject to the conditions set forth in the order herein would not be adverse to the public interest.

The Commission concludes that public hearing is not necessary. The application should be granted.

O R D E R

IT IS ORDERED that:

1. H & L Transport, Inc., and Cargill of California, Inc., on or before August 1, 1969, are authorized to enter into the lease in the form as set forth in Exhibit B attached to the application.

2. In the event the lease authorized in paragraph 1 hereof is consummated, the certificate of public convenience and necessity granted by Decision No. 71891 is suspended until August 1, 1970.

3. Within thirty days after the consummation of the lease herein authorized lessor shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of said lease.

4. H & L Transport, Inc. shall publish upon five days' notice to the Commission and the public, a supplement to its Warehouse Tariff No. 1, Cal. P.U.C. No. 1, so that such tariff and its certificate of public convenience and necessity shall be suspended contemporaneously.

5. The authority herein granted is subject to the following conditions:

- (a) H & L Transport, Inc. shall continue as a public utility warehouseman at Goshen rendering all services specified in its tariff at rates and charges therein provided, so long as any property remains in storage in the warehouse involved.
- (b) Applicants shall, within thirty days after the effective date of this order, file with the Commission a written acceptance of this order, including all of the provisions and conditions thereof.
- (c) H & L Transport, Inc. shall cause to be prepared and to be mailed or otherwise delivered to each storage patron, on or before thirty days after the effective date of this order, a true and complete copy of this order.
- (d) H & L Transport, Inc. shall, at the direction of the owner of any property remaining in storage, transport such property to any available public utility warehouse at the expense of applicant and at no expense or risk to the owner of the property transported.

- (e) H & L Transport, Inc. shall, promptly on removal of all stored property from the warehouse, file with the Commission amendments to its tariffs showing the change authorized herein and shall make reference in such tariffs to this decision as authority for the changes.
- (f) H & L Transport, Inc. shall, promptly on removal of all stored property from the warehouse, file with the Commission a verified statement that conditions (a) to (e) inclusive have been fully complied with.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 24th
day of JUNE, 1969.

William James J.
President

Arthur

Robert P. Monsey

W. H. Brown

Thomas
Commissioners