

Decision No. 77978

ORIGINAL

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of:  
 STRATFORD WAREHOUSE, INC., (a Cali-  
 fornia Corporation), for Ex Parte  
 consideration and order authorizing  
 the Sublease of Public Utility Ware-  
 house, including Real Property and  
 improvements to William E. Wedderburn,  
 Loy R. Wedderburn, Frederick F. Wedder-  
 burn and Chesley M. Wedderburn co-  
 partners doing business under the firm  
 name and style of WEDDERBURN BROTHERS.

Application No. 52184  
 (Filed September 4, 1970)

O P I N I O N

Stratford Warehouse Co., Inc. (Stratford), a California corporation, requests authority pursuant to Sections 851 through 853 of the Public Utilities Code to sublease its warehouse property and improvements to William E. Wedderburn, Loy R. Wedderburn, Frederick F. Wedderburn and Chesley M. Wedderburn, partners doing business under the name of Wedderburn Brothers (Wedderburn). A copy of the sublease is attached to the application as Exhibit A. The term of the sublease is one year commencing May 1, 1970 and ending April 30, 1971. The rental is the sum of \$8,000 payable in advance. The lease provides that Wedderburn may exercise an option to purchase from Stratford all of Stratford's rights, title, and interest in and to the leased premises at any time before December 1, 1970 provided Wedderburn shall have fully performed said sublease and made all payments required by said sublease to that time. Wedderburn formerly subleased this warehouse property from Stratford commencing May 1, 1968 and ending April 30, 1970 pursuant to authority granted by Decision No. 74640 dated September 4, 1968 in Application No. 50310. There are no protests.

Stratford conducts its operations as a public utility warehouseman pursuant to a certificate of public convenience and necessity granted by the Commission in Decision No. 62451, issued August 22, 1961 in Application No. 43521. The warehouse building is located on Railroad Avenue between Main and Third Streets in the unincorporated town of Stratford, California and contains approximately 24,000 square feet of bulk grain storage space. Stratford presently leases said property and improvements from Southern Pacific Railroad Company pursuant to Southern Pacific Lease No. 106003, the terms of which are set forth in Application No. 43521.

Stratford alleges that there is a sufficient number of public utility warehouses in the area having a capacity to store bulk grain adequately to meet the needs of the public, that it does not have any property stored in the warehouse at the present time and that the rental income from the proposed sublease will greatly exceed the amount of net profit derived from the operation of the public warehouse.

After consideration the Commission finds that the proposed sublease by Stratford of its warehouse and improvements would not be adverse to the public interest. A public hearing is not necessary. The Commission concludes that the application should be granted.

Wedderburn and Stratford are hereby placed on notice that approval from the Commission must be obtained if Wedderburn chooses to exercise its option to purchase set forth in Exhibit A attached to the application.

O R D E R

IT IS ORDERED that:

1. Stratford Warehouse Co., Inc. is authorized to sublease its warehouse and improvements described in the application to William E. Wedderburn, Loy R. Wedderburn, Frederick F. Wedderburn and Chesley M. Wedderburn, partners doing business under the name of Wedderburn Brothers, pursuant to the terms and conditions attached to the application as Exhibit A.

2. In the event the option to purchase set forth in Exhibit A is exercised approval of the purchase must be obtained from the Commission prior to the purchase being consummated.

3. In the event the lease authorized in paragraph 1 hereof is consummated, the certificate of public convenience and necessity granted by Decision No. 62451 is suspended until April 30, 1971.

4. 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.

5. Stratford Warehouse Co., Inc. shall publish upon five days' notice to the Commission and the public, a supplement to its Warehouse Tariff No. 1 CAL-PUC No. 1 so that such tariff and its certificate of public convenience and necessity shall be suspended contemporaneously.

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

- (a) Stratford Warehouse Co., Inc. shall continue as a public utility warehouseman at Stratford 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) Stratford Warehouse Co., 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) Stratford Warehouse Co., 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) Stratford Warehouse Co., 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) Stratford Warehouse Co., 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 NOVEMBER, 1970.

J. P. [Signature]  
Chairman

[Signature]

William [Signature]

[Signature]

Devin L. [Signature]  
Commissioners