

Decision No. 21095**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 H. M. DAVIS & C. B. POTTER)
 to sell, and C. R. Shupe to pur-)
 chase a warehouse used for the stor-)
 age of grain situate at Trigo,)
 California.)

Application No. 15570.

In the Matter of the Application of)
 H. M. DAVIS & C. B. POTTER)
 to sell and J. C. Nohrnberg and J.)
 R. Gibbs to purchase warehouses No.)
 1 and No. 2 used for the storage of)
 grain situate at Berenda,)
 California.)

Application No. 15571.

H. M. Davis, for H. M. Davis & C. B. Potter;
 J. C. Nohrnberg, for J. C. Nohrnberg & J. R. Gibbs;
 C. R. Shupe, in propria persona.

BY THE COMMISSION:

O P I N I O N

In Application No. 15570, H. M. Davis & C. B. Potter, engaged in the public utility warehouse business, ask permission to sell for \$3,500.00 their warehouse properties situate at Trigo, California. In Application No. 15571, said H. M. Davis & C. B. Potter asked permission to sell their warehouses No. 1 and No. 2 situate at Berenda, California, to J. C. Nohrnberg and J. R. Gibbs for the sum of \$4,500.00.

The record shows that the warehouse at Trigo is situated on land owned by H. M. Davis & C. B. Potter. The land is 100 X 300 feet and the warehouse building, which is of frame construction, is 40 X 300 feet. The purchase price of \$3,500.00 includes the land, building, scales, trucks, piling machines and other warehouse equipment.

The warehouses at Berenda are located on property owned by the Southern Pacific. One warehouse of frame construction is 40 X 178 feet, the other, of similar construction, is 50 X 150 feet. The purchase price of \$4,500.00 includes the buildings, trucks, scales, piling machines and other warehouse equipment.

The testimony shows that both C. R. Shupe; J. C. Nohrnberg & J. R. Gibbs will continue the operation of the warehouse which H. M. Davis & C. B. Potter ask permission to sell to them and that such warehouse business will be conducted at the rates heretofore charged by H. M. Davis & C. B. Potter until such time as the Commission may authorize a change in the rates. It further appears from the testimony that the purchasers are experienced in warehouse operations and that the warehouse properties which they are asking permission to purchase will be operated in conjunction with other warehouse properties owned by them.

ORDER

H. M. Davis & C. B. Potter having asked permission to sell warehouse properties to C. R. Shupe, J. C. Nohrnberg & J. R. Gibbs, as recited in the opinion which precedes this order, public hearings having been held before Examiner Fankhauser and the

Commission being of the opinion that the transfer of the properties is in the public interest and that these applications should be granted, therefore

IT IS HEREBY ORDERED as follows:-

1. H. M. Davis & C. B. Potter may sell on or before July 1, 1929, to C. R. Shupe, the warehouse properties situate at Trigo, California, and more particularly referred to in Application No. 15570.
2. H. M. Davis & C. B. Potter may sell on or before July 1, 1929, to J. C. Nohrnberg & J. R. Gibbs, the warehouse properties, including warehouse No. 1 and No. 2, situate at Berenda, California, said warehouses and properties being more particularly referred to in Application No. 15571.
3. The consideration paid by C. R. Shupe; J. C. Nohrnberg & J. R. Gibbs for the aforesaid warehouse properties shall not be urged before this Commission or any court or public body as a measure of the value of said properties for any purpose other than the transfers herein authorized.
4. Within thirty (30) days after the acquisition of the aforesaid properties, C. R. Shupe; J. C. Nohrnberg & J. R. Gibbs shall file with the Railroad Commission a copy of the deed or other

instrument of conveyance under which they acquire and hold title to the aforesaid properties.

5. The authority herein granted will become effective upon the date hereof.

DATED at San Francisco, California, this 15th day of May, 1929.

Thos. B. Pettit
Al. Seamy
Ernest J. ...
Leon ...
W. J. ...

Commissioners.