

Decision No. 22438

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 GERALD SHEEHY)
 to sell and T. J. Horgan Co. Inc. to)
 purchase a bean and grain re-cleaning)
 plant and warehouse for storing non-)
 perishable produce operated at)
 Watsonville, California.)

ORIGINAL

Application No. 16333

BY THE COMMISSION:

OPINION

In this proceeding the Railroad Commission is asked to make an order authorizing Gerald Sheehy to sell his equipment and operative rights in his bean and grain warehouse and re-cleaner for the sum of \$10,000.00 to T. J. Horgan Co. Inc.

It appears that Gerald Sheehy since 1923 has been engaged in the operation of a bean and grain re-cleaning establishment and public warehouse for the storage of non-perishable goods in Watsonville. The business is conducted in a leased building. His rates on file cover charges for the storage of grain and beans. In annual reports to the Commission Mr. Sheehy shows his investment in the equipment and business approximates \$10,000.00. The reports show gross revenues of \$8,115.76 in 1929, \$8,158.00 in 1928 and \$6,434.00 in 1927, and net revenues of \$2,858.69 in 1929, \$2,040.34 in 1928 and \$2,860.75 in 1927.

The present application shows that Mr. Sheehy now desires to transfer his properties and business to T. J. Horgan Co. Inc., a corporation organized on or about March 19, 1927 under the laws of the State of California and engaged in the produce business in Watsonville. The proposed consideration for the transfer is \$10,000.00, of which \$8,000.00 is said to represent the value of the equipment and

\$2,000.00 the value of operative rights.

We desire to put the purchaser on notice that Mr. Sheehy has no operative right which would preclude anyone else from engaging in the warehouse business in Watsonville. Having filed rates, he, or his successors, are expected to continue the warehouse business until this Commission authorizes a discontinuance thereof. We further desire to put the purchaser on notice that upon the purchase of the properties, J. T. Horgan Co. Inc. will become a public utility and, as such, will be expected to comply with the provisions of the Public Utilities Act.

ORDER

Application having been made to the Railroad Commission for an order authorizing the transfer of properties, and the Commission being of the opinion that this is not a matter in which a public hearing is necessary, and that the application should be granted, as herein provided,

IT IS HEREBY ORDERED that Gerald Sheehy be, and he hereby is, authorized to transfer, on or before August 1, 1930, to T. J. Horgan Co. Inc., his properties and business referred to in this application.

The authority herein granted is subject to the following conditions:

(1) Gerald Sheehy and T. J. Horgan Co. Inc. shall, on or before the transfer of said properties, unite in common supplement to the tariffs now on file with the Commission in the name of Gerald Sheehy, applicant Sheehy on the one hand withdrawing and applicant T. J. Horgan Co. Inc. on the other adopting and establishing as its own such tariffs and all effective supplements thereto.

(2) The authority herein granted will become effective

ten days after the date hereof.

(3) Within thirty days after the transfer of the properties herein authorized, T. J. Horgan Co. Inc. shall file with the Commission a copy of the bill of sale, or other instrument of conveyance, under which it acquires and holds title to said properties.

(4) The consideration paid by T. J. Horgan Co. Inc. shall not be urged before this Commission as fixing the value of said properties for any purpose other than the transfer herein authorized.

DATED at San Francisco, California, this 16th day of May, 1930.

Edmund G. ...

Paul ...

W. J. ...

Commissioners.