

Decision No. 26774

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
CRYSTAL ICE AND COLD STORAGE CO.,
a corporation, and AUGUST CARSTENSEN,
an individual operating a cold storage
business in the City of Sacramento
under the name and style CRYSTAL ICE
AND COLD STORAGE WAREHOUSE, for an
order authorizing said corporation
to execute and deliver to Bank of
America National Trust and Savings
Association a Chattel Mortgage cover-
ing all of its equipment used in and
about the conduct of the said busi-
ness, and to further incumber its
real property.

ORIGINAL

Application No. 19293

R. E. Brotherton, for applicants.

BY THE COMMISSION:

OPINION AND ORDER

In this application Crystal Ice and Cold Storage Co. and August Carstensen ask the Railroad Commission to make an order authorizing Crystal Ice and Cold Storage Co. to execute a chattel mortgage.

It appears that Crystal Ice and Cold Storage Co. is the owner of an ice-making and refrigerating plant situate in the City of Sacramento including certain facilities used for public utility storage purposes. Heretofore, under authority granted by Decision No. 24699, dated April 18, 1932, it executed a deed of trust covering its properties and issued a promissory note, due April 7, 1934, in the principal amount of \$32,500.00 to refund indebtedness incurred in the construction and acquisition of its plant and property. This note now has been reduced to \$50,000.00.

Following the execution of the aforesaid deed of trust and the issue of the note, the company under authority granted by Decision No. 26301, dated August 28, 1933, leased the properties used in the public utility operations to August Carstensen who ever since has carried on the public service operations, the corporation thus withdrawing from business as a public utility.

The present application now shows that Crystal Ice and Cold Storage Co. is in need of funds to carry on its business and proposes to borrow the sum of \$12,000. to be evidenced by a six per cent demand note. It proposes to secure the payment of such note by the deed of trust heretofore executed and referred to above, and in addition, to further secure its payment, and the payment of the \$30,000. note now outstanding, by a chattel mortgage on its equipment located on its property. It has filed a copy of the proposed chattel mortgage with this application as Exhibit D.

August Carstensen, who is operating some of the equipment as a public utility cold storage warehouseman, and has an interest therein as lessee, joins in the application, consenting to the execution of the chattel mortgage and requesting the order to be made in this matter permitting the corporation to thus further encumber its properties.

The Commission is 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, therefore,

IT IS HEREBY ORDERED, that Crystal Ice and Cold Storage Co. be, and it hereby is, authorized to execute a chattel mortgage substantially in the same form as Exhibit D filed in this proceeding and, if necessary, amend the deed of trust executed under the authority granted by said Decision No. 24699 dated April 18, 1932 to secure the payment of the aforesaid \$12,000.00, note, provided:-

1. That the authority herein granted is for the purpose of this proceeding only and is granted only insofar as this Commission may have jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said mortgage or said deed of trust as to such other legal requirements to which they may be subject; and
2. That the authority herein granted will become effective upon the date hereof.

DATED at San Francisco, California, this 5th day of February, 1934.

W. C. Seawright
Leon. Whitwell
W. H. Carr
W. B. Harris
W. H. [unclear]
Commissioners.