

Decision No. 28315

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
OAKLAND ELEVATOR AND MILL COMPANY)
to sell and WEST COAST WHARF & STOR-)
AGE COMPANY to purchase the business,)
goodwill, and certificate of public)
convenience and necessity of OAKLAND)
ELEVATOR AND MILL COMPANY.)

ORIGINAL

Application No. 20230

Heller, Ehrman, White & McAuliffe, for
Oakland Elevator and Mill Company.

Gibson, Dunn & Crutcher, for West Coast
Wharf & Storage Company.

BY THE COMMISSION:

OPINION AND ORDER

The Oakland Elevator and Mill Company is engaged in the operation of a public utility warehouse in Oakland, California. For 1934 it reports operating revenues of \$31,381.45. The business of the company has been conducted on premises leased from the MacDonald Engineering Company. By Decision No. 29294 dated October 1, 1925 the Commission authorized MacDonald Engineering Company to sell the warehouse and other properties to H.E. Woolner. It is now proposed by Oakland Elevator and Mill Company to sell its properties, goodwill and business to West Coast Wharf & Storage Company, a new corporation. The consideration to be paid for the properties is the amount of the accounts receivable now outstanding less a discount of 5% per annum from the date of the consummation of the contract between MacDonald Engineering Company and H. E. Woolner, dated September 30, 1935, to May 31, 1936.

The West Coast Wharf & Storage Company will lease the properties now occupied by Oakland Elevator and Mill Company. It will assume the responsibility for delivery of grain now in storage in the elevator and warehouse of Oakland Elevator and Mill Company, to the

holders of warehouse receipts issued by Oakland Elevator and Mill Company.

A copy of the proposed lease under which West Coast Wharf & Storage Company proposes to operate, obligates the lessee to pay to the lessor as rental, a sum equal to 25¢ per ton for each ton of grain or other commodity stored in the elevator during each of the years the lease is in effect, such payment to be made on or before the expiration of twenty(20) days after the termination of each year of the term of the lease; provided, however, that in the event said amounts to be paid at such tonnage basis exceed the sum of \$7,500.00 in any one year, then the lessee shall be required to pay only the sum of \$7,500.00 for such year. The proposed lease is to remain in effect for a period of two (2) years.

The Commission has considered the request of applicants and is of the opinion that this is not a matter in which a public hearing is necessary and that this application should be granted subject to the provisions of this opinion and order, therefore,

IT IS HEREBY ORDERED that Oakland Elevator and Mill Company be, and it is hereby, authorized to sell on or before December 31, 1935, to West Coast Wharf & Storage Company its goodwill, business, certificate of public convenience and necessity, office furniture and equipment, and accounts receivable, and said West Coast Wharf & Storage Company is hereby authorized to acquire said goodwill, business, certificate of public convenience and necessity, office furniture and equipment, and accounts receivable, and conduct a public utility warehouse in the same space and with the same facilities as those now enjoyed by Oakland Elevator and Mill Company.

IT IS HEREBY FURTHER ORDERED that the authority herein granted is subject to the following conditions:-

1. Oakland Elevator and Mill Company and West Coast Wharf & Storage Company shall within thirty(30) days from the date of the transfer of the properties herein authorized, join in common supplement to the tariffs now on file in the name of Oakland Elevator and Mill Company, said Oakland Elevator and Mill Company on the one hand withdrawing and West Coast Wharf & Storage Company on the other hand adopting as its own such tariffs and all respective supplements thereto.
2. The authority herein granted shall become effective upon the date hereof.
3. Within thirty(30) days after the transfer of the aforesaid properties West Coast Wharf & Storage Company shall file with the Commission a copy of the bill of sale or other instrument under which it acquires and holds title to the aforesaid properties.

DATED at San Francisco, California, this 15th day of
November, 1935.

James C. Whelan

W. H. C. C.

W. B. Linn

W. H. C. C.

W. H. C. C.

Commissioners.