

LBM

Decision No. 29318

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
M. J. WYNDELTS and J. W. CALDWELL,)
a co-partnership doing business as)
Farmers Warehouse and Feed Company,)
to sell and transfer to the Poultry)
Producers of Central California and)
Paul G. Sholz to operate two ware-)
houses at Merced, California.)

Application No. 20860

BY THE COMMISSION:

OPINION AND ORDER

In this application the Railroad Commission has been asked to authorize M. J. Wyndelts and J.W.Caldwell, co-partners doing business under the firm name and style of Farmers Warehouse and Feed Company, to transfer to Poultry Producers of Central California for a consideration of \$22,000., payable in cash, their interest in two certain warehouses located upon the Southern Pacific Company's right-of-way in the City of Merced and now operated by them as public warehousemen, and to assign to said Poultry Producers of Central California their interest in the lease dated October 25, 1933 from Southern Pacific Company of the site upon which said warehouses are located.

In addition, the Commission is asked to authorize Poultry Producers of Central California to lease to Paul G. Sholz such space in the two warehouses as said Paul G. Sholz may require for the purpose of conducting a public warehouse business in said premises.

A copy of the proposed agreement of transfer of the properties and a copy of the proposed assignment of the lease were filed with the application herein as Exhibits B and C respectively, and a copy of the proposed lease between Poultry Producers of Central California and Paul G. Sholz, dated as of November 1, 1936, was filed in the proceeding on November 24, 1936.

It appears that Paul G. Sholz at present is engaged in operating as a public warehouseman, under lease arrangements, certain properties owned by Poultry Producers of Central California in Stockton, Patterson, Gustine, Turlock, Newman and Petaluma, and that he will continue the public utility operations in the two warehouses at Merced, now to be transferred and leased, under his Warehouse Tariff No. 1, C.R.C. No. 1, effective February 7, 1935, now on file with the Commission, and supplements thereto or reissue thereof. Under the terms of the agreement of November 1, 1936, said Paul G. Sholz will lease only such portion of the two buildings as he may need for his public utility operations and will pay as rent the entire net earnings to be received from such operations.

It appears to the Commission that the proposed transactions outlined herein should result in no curtailment of service to the public and that accordingly a public hearing is not necessary in this matter and the requests of applicants should be granted, as herein provided, therefore,

IT IS HEREBY ORDERED that M. J. Wyndelts and J. W. Caldwell, co-partners doing business under the firm name and style of Farmers Warehouse and Feed Company, bc, and they hereby are, authorized to transfer to Poultry Producers of Central California their interest in and to the warehouse properties and business referred to herein and to assign to Poultry Producers of Central California their lease of the site upon which the warehouse buildings are located, such transfer and assignment to be in accordance with the terms of the instruments filed with the application herein as Exhibits B and C.

IT IS HEREBY FURTHER ORDERED that Poultry Producers of Central California and Paul G. Sholz be, and they hereby are, authorized to execute and enter into a lease in or substantially in the same form

as the lease agreement dated November 1, 1936 and filed in this proceeding on November 24, 1936.

The authority herein granted is subject to the following conditions:-

1. M. J. Wyndelts and J.W.Caldwell, co-partners, shall within twenty (20) days after the effective date of this order withdraw the rates, rules and regulations now on file in their names so far as they are applicable to the warehouses referred to herein, and Paul G. Sholz shall by supplement to his tariff amend the same to apply at Merced, California.
2. The consideration to be paid for the properties herein authorized to be transferred shall not hereafter be urged before this Commission or other public body as a measure of value of said properties for the purpose of fixing rates.
3. The authority herein granted shall become effective upon the date hereof.

DATED at San Francisco, California, this 30th day of November, 1936.

M B Hamer
Leon Whitely
M A Carr
W H Thompson
Frank R. Devere
Commissioners.