

Decision No. 30505

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
P. S. Calkins,)
d.b.a.Calkins Warehouse and Elevator)
Company to sell and M.J.Lally and)
Thos. B. Lally d.b.a Lally Brothers) Application No. 21189
to purchase storage warehouse and)
elevator located at Angiola, California.)

BY THE COMMISSION:

OPINION AND ORDER

P. S. Calkins, doing business under the firm name and style of Calkins Warehouse and Elevator Company, has applied for permission to sell and transfer to M.J.Lally and Thos.B.Lally, a warehouse and elevator located at Angiola, such sale and transfer to be in accordance with the terms and conditions of two agreements filed as "Exhibit A" and "Exhibit B".

M. J. Lally and Thos. B. Lally, doing business under the firm name and style of Lally Brothers, ask permission upon acquiring the properties, to continue operating them as a public utility and to place into effect a tariff differing in some respects from the tariff now on file by P. S. Calkins.

It appears that the consideration to be paid for the properties to be transferred is the sum of \$15,000., payable \$4,200. in cash and \$10,800. by the assumption by the purchaser of indebtedness due California Western States Life Insurance Company payable in annual installments of \$1,200., commencing June 1, 1937, with interest at the rate of 6% per annum. The estimated present value of the properties is reported at \$15,000.

The rates proposed to be assessed by Lally Brothers are the same as those now on file in our office by P.S.Calkins except that the storage rate on bulk grain is to be increased from \$1.25 per ton per season to \$1.50 per ton per season and the charge for receiving, weighing and loading cars at the warehouse is to be reduced from 50¢ per

ton to \$25¢ per ton, with a minimum handling charge of \$1.00.

The present tariff of P.S.Calkins provides for the storage of grain in bulk for \$1.25 per ton per season and of grain in sacks for \$1.50 per ton per season. In support of the request to increase the storage rate for bulk grain the purchasers allege that the rate should not be less than that charged for sacked grain, that difficulties in handling, weighing and storing bring the cost of handling to as much or more than the cost attendant upon the storage of the sacked grain, and that the practice followed of not mixing bulk grain of different patrons in the same tank results in a loss of storage space. The purchasers report that in the premises to be acquired by them grain will be stored by not more than six large operators who insist that their grain be handled separately and who have agreed to the proposed twenty-five cent increase.

The Commission has considered the matters presented in this proceeding and is of the opinion that the application is not one in which a public hearing is necessary and that the requests of applicants should be granted only as provided herein, and good cause appearing therefor,

IT IS HEREBY ORDERED as follows:-

1. P. S. Calkins may sell and transfer to M.J.Lally and Thos.B. Lally the warehouse properties referred to in this application, such sale and transfer to be in accordance with the terms and conditions of the agreements filed in this proceeding as "Exhibit A" and "Exhibit B".

2. P. S. Calkins upon selling and transferring said properties, shall file in triplicate a supplement to his tariffs on file with the Commission withdrawing from said tariffs insofar as they name rates for storage in said properties.

3. The authority herein granted shall not be construed as a determination or finding by the Commission of the value of the properties herein authorized to be transferred.

4. M. J. Lally and Thos. B. Lally upon acquiring said properties shall file immediately, in triplicate, tariffs containing rates, classifications, rules and regulations for storage in the properties to be

acquired by them which shall be identical with those now on file by P. S. Calkins applying to such properties, except that said M. J. Lally and Thos. B. Lally may increase the storage rate for grain in bulk to \$1.50 per ton per season for the first season and each subsequent season and may reduce the charge for receiving, weighing and loading on cars at warehouse platform without storage or re-handling, to 25¢ per ton, said increase in rates being subject to modification by the Commission, with or without a hearing.

DATED at San Francisco, California, this 10th day of January, 1938.

Arthur M. M. M.
Leon A. M. M.
Frank P. M. M.
Ray A. M. M.
Ray L. Riley
Commissioners