

Decision No. 52377.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of J.W. CALDWELL, doing business
as "Farmers Warehouse and Feed
Company," to enter into a contract
of sale of certain property and
interest in warehouses.

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ORIGINAL

Application No. 22919

BY THE COMMISSION:

OPINION AND ORDER

By this application J.W. Caldwell, doing business as Farmers Warehouse and Feed Company, seeks authority under Section 51 (a) of the Public Utilities Act to sell and transfer, and C.W. Southward seeks authority to purchase warehouse properties at Planada, Le Grand, Dickinson and Marguerite which are owned and operated as public utility warehouses by said J.W. Caldwell. The real and personal property involved is described in a contract of sale designated as Exhibit "A" of the application. According to this contract the consideration to be paid is \$12,500 payable in installments from time to time under specified conditions. It does not appear from the application that the consideration will be paid within one year from the date of execution of the agreement of sale. We therefore believe that said agreement constitutes an evidence of indebtedness under Section 52 of the Public Utilities Act. It is alleged that applicant C.W. Southward will continue to operate the warehouses in accordance with the rules and regulations of the Commission, and that the proposed change in ownership will not result in curtailment of service to the public.

The Commission having considered applicant's request and it being of the opinion that this is not a matter in which a public hearing is necessary and that the application should be granted subject to the provisions of this opinion and order, therefore,

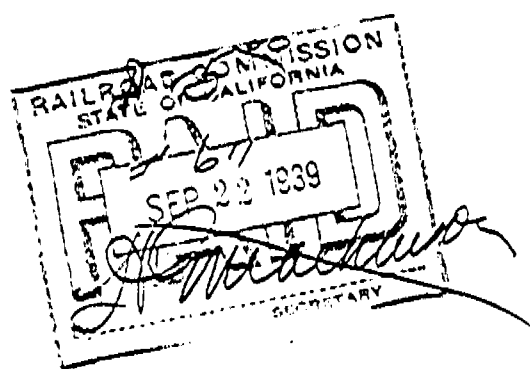
IT IS HEREBY ORDERED that J.W. Caldwell and C.W. Southward be and they are hereby authorized to execute, after the effective date hereof and prior to December 1, 1939, an agreement of sale in substantially the same form as the agreement of sale designated as Exhibit "A" of the application.

IT IS HEREBY FURTHER ORDERED that the authority herein granted be and it is subject to further conditions as follows:

1. The consideration to be paid for the property herein authorized to be transferred shall never be urged before this Commission, or any other rate-fixing body as a measure of value of said property for rate fixing, or for any purpose other than the transfer herein authorized.
2. Applicant J.W. Caldwell, doing business as Farmers Warehouse and Feed Company, and applicant C.W. Southward shall, after execution of an agreement of sale and prior to December 1, 1939 on not less than five (5) days' notice to the Commission and to the public, unite in common supplement to tariffs on file with the Commission, covering service as a warehouseman at Planada, Le Grand, Dickinson and Marguerite, applicant J.W. Caldwell withdrawing and applicant C.W. Southward accepting and establishing such tariffs and all effective supplements thereto.
3. The property herein authorized to be transferred may not be sold, leased, transferred or assigned, nor shall service as a warehouseman be discontinued, unless the written consent of the Railroad Commission to the sale, lease, transfer or discontinuance has first been secured.
4. The authority herein granted will not become effective until applicants have paid the minimum fee of Twenty-five (\$25.00) Dollars prescribed by Section 57 of the Public Utilities Act.

Except as hereinbefore provided, this order shall become effective on the date hereof.

Dated at San Francisco, California, this 19th day of September, 1939.



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Justus J. Casner
Commissioners