

Decision No. 322896

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Phillip S. Calkins and Bertha
Calkins to sell and Lally Brothers
Inc. A California Corporation to
purchase the Storage Warehouse and
Equipment at Alpaugh, California,
operated by the said Phillip S.
Calkins, and known as the Calkins
Warehouse and Elevator Co. Warehouse.)

ORIGINAL

Application No. 22896

BY THE COMMISSION:

OPINION AND ORDER

By this application, as amended, Phillip S. Calkins and Bertha Calkins seek authority under Section 51(a) of the Public Utilities Act to sell and transfer, and Lally Brothers, Inc. seeks authority to purchase, a warehouse at Alpaugh, known as the "Calkins Warehouse and Elevator Co. Warehouse." The consideration to be paid for the property herein proposed to be transferred is the sum of \$12,000, which is said to represent the value of the real estate, improvements and equipment. Of this sum \$5,500 represents a mortgage made by Phillip S. Calkins and Bertha Calkins to the Disaster Loan Corporation, which is being assumed by Lally Brothers, Inc.¹

This does not appear to be a matter in which a public hearing is necessary. The application will be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that applicants Phillip S. Calkins and Bertha Calkins and Lally Brothers, Inc. be and they are hereby

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Except for an allowance of \$100.00 to applicant Lally Brothers, Inc., made for the purpose of repairing the warehouse approach, the balance of \$6,500.00 represents a cash payment to applicants Phillip S. Calkins and Bertha Calkins.

authorized to enter into an agreement of sale, as proposed in the application, as amended, subject to the following conditions:

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. Applicants Phillip S. Calkins, Bertha Calkins and Lally Brothers, Inc. shall, within sixty (60) days after the effective date of this order, and on not less than five (5) days' notice to the Commission and to the public, unite in common supplement to the tariff on file with the Commission covering service as a warehouseman at Alpaugh, applicants Phillip S. Calkins and Bertha Calkins withdrawing, and applicant Lally Brothers, Inc. accepting and establishing the tariff as its own.
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, assignment or discontinuance has first been secured.

This order shall become effective on the date hereof.

Dated at San Francisco, California, this 25th day of March, 1940.

Ray L. Rice
Frank D. Miller
Robert W. Johnson
H. H. Miller
Justin J. Casper
Commissioners