

Decision No. 23388

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
CRYSTAL ICE AND COLD STORAGE CO.,  
a corporation, and AUGUST CARSTENSEN,  
an individual operating a cold stor-  
age business in the City of Sacramento  
under the name and style of Crystal  
Ice and Cold Storage Warehouse, for  
an order authorizing said Corporation  
to execute and deliver to THE CAPITAL  
NATIONAL BANK OF SACRAMENTO, a National  
Banking Association, a chattel mortgage  
covering all of its equipment used in  
and about the conduct of said business,  
and to execute and deliver to said Bank  
a deed of trust upon its real property.

ORIGINAL

Application No. 23388

BY THE COMMISSION:

O P I N I O N

In this proceeding, as amended on April 12, 1940, the Commission is asked to enter its order authorizing Crystal Ice and Cold Storage Co. to execute a deed of trust and to execute a mortgage of chattels substantially in the same form as the deed of trust and mortgage of chattels filed in this proceeding as Exhibits B and C respectively.

It appears that the Crystal Ice and Cold Storage Co. is, and for many years immediately last past has been the owner of a certain ice making and refrigerating plant and property situate at the corner of 16th and R Streets in the City of Sacramento upon the real property described as follows:

Lots 1, 2, 3 and 4 in the block bounded by R and S and 16th and 17th Streets of said City of Sacramento, according to the official map or plat thereof.

Crystal Ice and Cold Storage Co. is also the owner of all the personal property and equipment used in and about the business conducted in or upon said premises.

Pursuant to the authority granted by Decision No. 26301, dated August 26, 1933, Crystal Ice and Cold Storage Co. separated its utility business from its nonutility business by leasing the properties and facilities used in the cold storage operation to August Carstensen, who, ever since has carried on the public utility service. He conducts this business under the name of Crystal Ice and Cold Storage Warehouse.

It appears that Crystal Ice and Cold Storage Co. is indebted to Bank of America National Trust and Savings Association in the sum of \$40,000. For the purpose of refunding this indebtedness it intends to borrow \$40,000 from The Capital National Bank of Sacramento and secure the payment of this loan by the execution of a deed of trust which will be a lien upon its real property hereinbefore described and by a mortgage of chattels which will be a lien upon the personal property described therein. Inasmuch as some of these properties are being used by August Carstensen in public utility operations, Crystal Ice and Cold Storage Co. requests permission to execute said deed of trust and said mortgage of chattels. He joins in the application.

#### ORDER

The Commission has considered applicants' request and is of the opinion that this is not a matter on which a hearing is necessary and that this application, as amended, should be granted, therefore,

IT IS HEREBY ORDERED that Crystal Ice and Cold Storage Co., a corporation, be, and it is hereby authorized to execute a deed of trust and to execute a mortgage of chattels substantially in the same form as the deed of trust and the mortgage of chattels filed in this proceeding as Exhibits B and C respectively, provided that the authority

herein granted is for the purpose of this proceeding only, and is granted only insofar as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of said deed of trust and of said mortgage of chattels as to such other legal requirements to which they may be subject.

IT IS HEREBY FURTHER ORDERED that within thirty (30) days after the execution of said deed of trust and said mortgage of chattels, applicants shall file with the Railroad Commission a true and correct copy of said deed of trust and a true and correct copy of the mortgage of chattels executed under the authority herein granted.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective upon the date hereof.

DATED at San Francisco, California, this 16<sup>th</sup> day of April, 1940.

Ray L. Rice  
Frank R. Dyer  
Justice J. C. Cramer  
Commissioners.