

ORIGINAL

Decision No. _____

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Antelope Valley Growers Refrigerating
Company to sell, and of Newton L.
Jackson and Albert Levie, a copartner-
ship, doing business under the name of
Antelope Valley Refrigerating Company
to purchase that certain ice making,
pre-cooling, cold storage and refrig-
erating plant operated by seller at
Palmdale, California, and its branch
distributing plant located at Lancaster,
California.

Application No. 23990

BY THE COMMISSION:

OPINION AND ORDER

By this application Antelope Valley Growers Refrigerating Company, a corporation, seeks authority to sell, and Newton L. Jackson and Albert Levie, a copartnership doing business as Antelope Valley Refrigerating Company, seek authority to purchase and operate designated public utility warehouse property located at Palmdale. No change in the tariff rates nor in the service to the public is proposed. The consideration to be paid is \$25,000, \$10,000 of which is to be paid in cash. The indebtedness of \$15,000 to be incurred is to be paid over a period in excess of one year.

It appears that this is a matter in which a public hearing is not necessary. The application will be granted. The purchasers will be authorized to issue a note for \$15,000 in part payment of the purchase price of the properties. We find that the issue of the note is necessary for said purpose.

¹ The proposed transaction also involves the transfer of certain properties situated at Lancaster. The business conducted at that point, however, is that of selling ice, not that of a public utility warehouseman.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the Antelope Valley Growers Refrigerating Company, a corporation, be and it is hereby authorized to transfer its public utility warehouse property located at Palm-dale to Newton L. Jackson and Albert Levie, copartners, subject to the following conditions:

1. That the consideration to be paid for the property herein authorized to be transferred shall never be urged as a measure of value of said property for rate-fixing purposes, or any purposes other than the transfer herein authorized;

2. That Antelope Valley Growers Refrigerating Company, a corporation, and Newton L. Jackson and Albert Levie, copartners, shall immediately supplement the tariff now on file with this Commission in the name of Antelope Valley Growers Refrigerating Company, said company effecting a withdrawal therefrom and said Newton L. Jackson and Albert Levie adopting and establishing said tariff as their own; and

3. That the rights and privileges herein authorized to be conveyed may neither be sold, leased, transferred nor assigned, nor may service thereunder be discontinued in the absence of the written authorization of this Commission to such sale, lease, transfer, assignment or discontinuance.

IT IS HEREBY FURTHER ORDERED that Newton L. Jackson and Albert Levie be and they are hereby authorized to issue a note in the sum of \$15,000 to Antelope Valley Growers Refrigerating Company in part payment of the purchase price of the properties involved, and execute a deed of trust to secure the payment of said note, said note and said deed of trust to conform to the escrow instructions on file in this proceeding.

IT IS HEREBY FURTHER ORDERED that within thirty (30) days after the execution of said deed of trust, Newton L. Jackson and Albert Levie shall file with the Commission a copy of said deed of trust and a copy of said note.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective when applicant has paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which fee is \$25.

Dated at San Francisco, California, this 29th day of April, 1941.

[Signature]
Ray L. Rice

Francis R. Havenner
Commissioners

\$ 25⁰⁰
RAILROAD COMMISSION
STATE OF CALIFORNIA
PAID
JUN 2 1941
By *R. J. [Signature]*
SECRETARY