

Decision No. 35360

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Maurice Arthur Penny, Alice Penny)
and Penny Newman Grain Company for) Application No. 24758
change of ownership.)

BY THE COMMISSION:

OPINION AND ORDER

This application concerns the public utility warehouse business conducted at Fresno as Penny Newman Grain Company. Maurice Arthur Penny and Alice Penny propose to acquire from Neva H. Newman, executrix of the estate of David Levine Newman, deceased, the interest of the estate in said business and its facilities. This proposal involves no change in the tariff rates and in the service to the public.

It appears that this is a matter in which a public hearing is not necessary and that to the extent the application may involve the transfer of property necessary and useful in the public utility warehouse operation in question it should be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Maurice A. Penny and Alice Penny be and they are hereby authorized to acquire property necessary and useful in the public utility warehouse operation conducted as Penny Newman Grain Company to the extent that said property may be involved in the proposed change in ownership.

1

Penny Newman Grain Company was a co-partnership consisting of Maurice A. Penny, Alice Penny and David Levine Newman. Neva H. Newman is sole beneficiary as well as executrix of the estate of David Levine Newman. The facilities include property other than the warehouse lands and warehouse structures which are not owned by the Company.

IT IS HEREBY FURTHER ORDERED that immediately upon the transfer of the warehouse property involved herein, Neva H. Newman, as executrix of the estate of David Levine Newman, Maurice Arthur Penny and Alice Penny shall, on not less than five (5) days' notice to the Commission and to the public, supplement or reissue the tariffs on file with the Commission, naming rates, rules and regulations covering warehouse operations of Penny Newman Grain Company to show that the estate has withdrawn from said tariffs and Maurice Arthur Penny and Alice Penny have concurrently adopted and established as their own said rates, rules and regulations; and that the tariff filings made pursuant to this order shall in other respects comply with the regulations governing the construction and filing of warehouse tariffs set forth in the Commission's General Order No. 61.

This order shall become effective twenty (20) days from the date hereof.

Dated at San Francisco, California, this 12th day of May, 1942.

Ray C. Wiley
W. H. H. H.
Francis L. Ferguson
Richard Kachse
Commissioners.