

Decision No. 35525

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the matter of the Application of
Western Van & Storage Company
for order authorizing issue of its
promissory note.

Application No. 25069

BY THE COMMISSION:

OPINION AND ORDER

Western Van & Storage Company is engaged in the highway transportation business under a certificate of public convenience and necessity issued by the Railroad Commission and in the public warehouse business in Sacramento. For 1941, its operating revenues from its warehouse business are reported at \$9,436.14 and from its highway transportation business at \$20,306.16.

Western Van & Storage Company asks permission to issue to American Trust Company its note for the principal sum of \$4,554 for the purpose of acquiring an International Truck and a Reliance Semi-Trailer.

It is of record that applicant has heretofore issued to American Trust Company its note dated October 23, 1941 for the principal sum of \$4,554, payable in equal monthly installments of \$200 or more, commencing on November

23, 1941, and a final payment of \$154 on September 23, 1943. The money borrowed was used to pay for said equipment. Because of the provisions of Section 52 of the Public Utilities Act, we questioned the validity of the note. Applicant thereupon filed this application for permission to issue, as said, its note for the sum of \$4,554, payable as heretofore indicated. The payment of the note will be secured by a Mortgage of Chattels which will be a lien on a 1940 International Truck, a 1940 International Tractor, and a 1941 Reliance Semi-Trailer.

The Commission has considered applicant's request and is of the opinion that this is not a matter on which a hearing is necessary; that the money, property or labor to be procured or paid for by the issue of the note herein authorized is reasonably required by Western Van & Storage Company for the purpose herein stated, and that this application should be granted subject to the provisions of this Opinion and Order, therefore

IT IS HEREBY ORDERED that Western Van & Storage Company be, and it is hereby, authorized to issue, after the effective date hereof and on or before October 1, 1942, its note for the principal sum of not exceeding \$4,554 and to execute a Mortgage of Chattels to secure the payment of said note, said note and said Mortgage of Chattels to be in substantially the same form as the note and Mortgage of Chattels on file in this proceeding, provided, that the authority herein granted to execute said Mortgage of Chattels 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 Mortgage of Chattels as to such other legal requirements to which said Mortgage of Chattels may be subject.

IT IS HEREBY FURTHER ORDERED that Western Van & Storage Company shall issue said note for the purpose of refunding the indebtedness or the balance due on the indebtedness incurred through the issue of the note dated October 23, 1941, a copy of which is on file in this proceeding.

IT IS HEREBY FURTHER ORDERED that the authority herein granted will become effective when Western Van & Storage Company has paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which minimum fee is Twenty-five (\$25.00) Dollars.

IT IS HEREBY FURTHER ORDERED that within thirty (30) days after the execution of the note and Mortgage of Chattels herein authorized, Western Van & Storage Company shall file with the Commission a true and correct copy of said note and said Mortgage of Chattels, together with a statement showing the purpose for which it issued said note.

Dated at San Francisco, California, this 30th day of June, 1942.

Justus J. Casper
Ray P. Ryan
H. B. Hall
Francis S. Stevenson
Richard H. Harkness
Commissioners.

125.00
RAILROAD COMMISSION
STATE OF CALIFORNIA
FEE 2657
By *R. J. Pajalich*
CLERK