

Decision No. 35670

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of the
FRESNO CONSUMERS ICE COMPANY

to acquire and operate the cold storage properties of the Exeter Ice and Cold Storage Company at Exeter, California, and to approve the dissolution of the Corporation known as the Exeter Ice and Cold Storage Company

Application
No. 25160

BY THE COMMISSION:

O P I N I O N

Exeter Ice and Cold Storage Company, prior to its dissolution on or about December 2, 1941, was a wholly owned subsidiary of Fresno Consumers Ice Company, which in turn, is a ~~wholly~~ ^{jointly} owned subsidiary of National Ice and Cold Storage Company of California ^{and the} ~~Union Ice Company.~~

Exeter Ice and Cold Storage Company had issued and outstanding 240 shares of common stock, all of which, as indicated, was owned by Fresno Consumers Ice Company. It was engaged in operating a cold storage warehouse business in Exeter. It is of record that on or about November 17, 1941 it deeded all of its properties, both real and personal, to Fresno Consumers Ice Company and that on or about December 2, 1941 a certificate was filed with the Secretary of State showing that

the Exeter Ice and Cold Storage Company had been dissolved. The business formerly conducted by Exeter Ice and Cold Storage Company is now being conducted by Fresno Consumers Ice Company, which is engaged in operating a cold storage warehouse business in the City of Fresno.

Applicants allege that they were unaware that the provisions of Section 51(a) of the Public Utilities Act related to said transfer of properties from Exeter Ice and Cold Storage Company to Fresno Consumers Ice Company because such transfer was, in effect, the distribution of the assets of Exeter Ice and Cold Storage Company to its only stockholder, Fresno Consumers Ice Company.

Applicants report that the transfer of the properties has not resulted in any curtailment of public service or in any change in the physical operations of the properties formerly owned by Exeter Ice and Cold Storage Company.

The Commission's authority under Section 51(a) of the Public Utilities Act, insofar as this application is concerned, extends only to the transfer of the properties and not to the dissolution of Exeter Ice and Cold Storage Company.

ORDER

The Commission having considered applicants' request and it being of the opinion that this is not a matter on which a hearing is necessary, and that this application should be granted subject to the provisions of this order, therefore,

IT IS HEREBY ORDERED that Exeter Ice and Cold Storage Company, may, on or before October 1, 1942, sell and transfer

all of its properties, described in Exhibit A and Exhibit B on file in this proceeding, to Fresno Consumers Ice Company.

IT IS HEREBY FURTHER ORDERED that the tariffs on file with the Commission, naming rates, rules and regulations covering the warehouse operations conducted by Exeter Ice and Cold Storage Company, shall be amended on not less than five (5) days' notice to the Commission and to the public to show that Exeter Ice and Cold Storage Company has withdrawn from or cancelled said rates, rules and regulations, and that Fresno Consumers Ice Company has concurrently adopted or established them as its own, and that the tariff filings made pursuant to this order shall, in other respects, comply with the regulations covering the construction and filing of warehouse tariffs set forth in the Commission's General Order No. 61.

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

Dated at San Francisco, California, this 11th day of August, 1942.

Justin F. Guerin
A. J. Kamm
Francis C. Havens
Richard L. Baker
Commissioners