

Decision No. 36223

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Schuler-Wilkinson Grain Company, a )  
California corporation, for authori- )  
zation to sell certain of its hay and )  
grain warehouses and equipment and to )  
withdraw, as to certain territory, )  
from the hay and grain warehouseman's )  
business, and application of Clarence )  
A. Gardner and John L. Beach for auth- )  
orization to purchase said hay and )  
grain warehouses and equipment and to )  
engage in the hay and grain warehouse- )  
man's business. )

ORIGINAL

Application No. 25517

BY THE COMMISSION:

OPINION AND ORDER

By this application Schuler-Wilkinson Grain Company seeks authority to sell to Clarence A. Gardner and John L. Beach certain public utility warehouse property located at Tres Pinos. <sup>1</sup> According to the application, Gardner and Beach are presently engaged in the operation of public utility warehouses at Hollister and have the experience and qualifications necessary to operate the warehouse property here involved for the advantage and convenience of the public. No change in the tariff rates is proposed.

Under the terms of the proposed agreement, Gardner and Beach have agreed to pay for the properties \$14,700, payable as follows: \$1,000 in cash upon the execution of the agreement and the issue of a promissory note for \$13,700 with interest on the unpaid principal at the rate of 6% per annum, payable semiannually. \$6,850

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The property is described in the agreement designated as Exhibit "A" of the application.

of the principal of the note is payable on or before one year after the date of the note and \$6,850 on or before two years after the date of the note. The payment of the note is to be secured by a deed of trust which will be a lien on the property involved. Copies of the proposed note and deed of trust are on file in this proceeding.

It appears that this is a matter in which a public hearing is not necessary and that the application should be granted.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Schuler-Wilkinson Grain Company be and it is hereby authorized to sell, and Clarence A. Gardner and John L. Beach be and they are hereby authorized to purchase, the public utility warehouse property involved in this application in accordance with the terms of the proposed agreement attached to the application as Exhibit "A".

IT IS HEREBY FURTHER ORDERED that immediately upon transfer of the property involved, Schuler-Wilkinson Grain Company and Clarence A. Gardner and John L. Beach, 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 Schuler-Wilkinson Grain Company to show that the former has withdrawn from or canceled and that the latter have concurrently adopted or 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.

IT IS HEREBY FURTHER ORDERED that Clarence A. Gardner and John L. Beach be and they are hereby authorized to issue, after the

effective date hereof and on or before April 30, 1943, a 6 per cent note for the sum of not exceeding \$13,700 and execute a deed of trust to secure the payment of such note for the purpose of financing in part the purchase of the aforesaid property, said note and said deed of trust to be in substantially the same form as the note and deed of trust on file in this proceeding, provided that the authority herein granted to execute a deed of trust is for the purpose of this proceeding only and is granted only in so far as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as approval of said deed of trust as to such other legal requirements to which said deed of trust may be subject.

IT IS HEREBY FURTHER ORDERED that within thirty (30) days after the issue of said note and the execution of said deed of trust Clarence A. Gardner and John L. Beach or either of them shall file with the Railroad Commission a copy of the note and a copy of the deed of trust executed under the authority herein granted.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective when Clarence A. Gardner and John L. Beach, or either of them have paid the minimum fee of \$25 prescribed by Section 57 of the Public Utilities Act.

Dated at San Francisco, California, this <sup>th</sup> 16 day of March, 1943.

*Frank R. Havener*  
*W. H. Hall*  
*Walter S. Casper*  
*Richard Jackson*  
*Morris Blum*  
Commissioners

