

ORIGINAL

Decision No. 36781

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of Maurice Strain, for an order authorizing the transfer of his interest in the properties of Strain's Public Warehouse to Laretta S. Strain; and of Laretta S. Strain, for an order authorizing said applicant to lease said property to Sam Zall.

Application No. 25913

BY THE COMMISSION:

O P I N I O N

By this application, Maurice Strain seeks authority to transfer his interest in designated property and equipment used in a public utility warehouse business conducted at Marysville to Laretta S. Strain, his wife. She seeks authority to lease this property to Sam Zall.¹

Applicants' verified statements disclose that, marital difficulties having arisen, the Strains desire to adjust their property rights under an agreement which contemplates that Mrs. Strain shall acquire the warehouse property; and that Mrs. Strain, who does not desire to engage in the warehouse business, intends to lease the property to Sam Zall who will provide public storage service with the leased facilities. No change in the tariff rates or in the character of the service is proposed.

¹ The property and equipment are described, and the terms and conditions of the proposed transfer and lease are set forth, in documents attached to the application.

The agreement between the Strains involves the disposition of both utility and nonutility property. The consideration is not reduced to a monetary amount in the agreement. Irrespective of what may be the understanding between the parties, it should be clearly understood that the authorization hereinafter granted is not an approval of the terms of the proposed arrangement, nor a finding of value for the purpose of rate fixing, issuance of securities, accounting or for any other purpose. No examination has been made by this Commission, nor by its authorized representatives, of the physical assets involved in this transfer as to their existence, value or ownership.

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

O R D E R

IT IS ORDERED:

1. That Maurice Strain and Laurette S. Strain may, on or before February 1, 1944, execute an agreement in form similar to the agreement on file in this proceeding as Exhibit I and perform all acts necessary to consummate said agreement, provided that the authority herein granted to execute and carry into effect said agreement is for the purpose of this proceeding only and is granted insofar as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of said agreement as to such other legal requirements to which said agreement may be subject.

2. That Laurette S. Strain may, on or before February 1, 1944, lease to Sam Zall the warehouse properties owned by her and situate in Marysville under the terms and conditions of the terms and conditions of the lease filed in this application as Exhibit 4.

3. That applicants shall comply with the rules of the Commission's General Order No. 61 by filing in triplicate, and concurrently making effective tariffs satisfactory to the Commission within sixty (60) days from the date hereof and on not less than five (5) days' notice to the Commission and to the public.

4. That the authority herein granted will become effective on the date hereof.

Dated at San Francisco, California, this 21st day of December, 1943.

Francis D. Havenner

Richard L. Laska
Francis D. Havenner
Commissioners