

Decision No. 36858

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application )  
of NOHRNBERG & GIBBS, a partner- )  
ship, for authority to sell and )  
transfer warehouses and warehouse )  
permits therefor to J.R. GIBBS, )  
an individual. )

Application No. 25687

BY THE COMMISSION:

OPINION AND ORDER

By this application, as amended, Nohrnberg and Gibbs, a copartnership, seeks authority to sell and J.R. Gibbs seeks authority to purchase three public utility warehouses situated in Madera County.<sup>1</sup> The copartnership also proposes to transfer its operating equipment to Gibbs.

Applicants' verified statements disclose that J. C. Nohrnberg, one of the partners, having died, it is the desire of his widow to sell her interest in the copartnership to Gibbs, the surviving partner. No change in tariff rates nor in the service to the public is proposed. The verified statements also disclose that, in addition to the three warehouses involved in the proposed transfer, four warehouses which are the separate property of J.R. Gibbs have been operated in the name of the copartnership but for the sole benefit of Gibbs.<sup>2</sup> He proposes to operate these properties in his own name.

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<sup>1</sup> The warehouses are described in the application. They are known as "Califa Warehouse," "Berenda No. 1" and "Berenda No. 2."

<sup>2</sup> These warehouses are also described in the application. Two of them are known as "Madera Warehouse," one as "Sparrow Warehouse" and the fourth as "Rattlesnake Winery spur Warehouse."

The total consideration involved, \$4,855.47, is to be paid in cash. It is claimed that this sum represents one half of the present value of the three warehouse buildings, the equipment, and the cash on hand and other assets of the copartnership. Such may be the understanding between the parties, but it should be clearly understood that the authorization hereinafter granted is not an approval of the purchase price in any respect, 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.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that Mohnberg & Gibbs, a copartnership, is hereby authorized to sell and J. R. Gibbs, an individual, is authorized to purchase the three public utility warehouses described in this application as "Calif Warehouse," "Berenda No. 1" and "Berenda No. 2," in accordance with the terms of the agreement incorporated in this application, as amended.

IT IS HEREBY FURTHER ORDERED that the authority herein granted is subject to the provisions of Section 52(b) of the Public Utilities Act and further to the condition 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 effective date hereof and on not less than five (5) days' notice to the Commission.

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

Dated at San Francisco, California, this 25<sup>th</sup> day  
of February, 1944.

*Richard Kache*

*Justus F. Gaumer*  
*Frederick L. Haveman*  
*Thomas W. O'Brien*  
Commissioners