

Decision No. 37082

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)	
of J. R. GIBBS for authority to)	
sell and transfer warehouses and)	Application No. 26136
warehouse permits therefor to)	
LYON McKINNEY and ARNOLD SALLABERRY.))	

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER

In this proceeding J. R. Gibbs seeks authority to sell public utility warehouse property located at Berenda, Madera County, to Lyon McKinney and Arnold Sallaberry.¹

The verified application shows that Gibbs has been instructed by his physician to reduce his business activities and that McKinney and Sallaberry are able to continue the utility warehouse operations involved. No change in tariff rates or charges is proposed. The consideration involved in this sale is \$4,500 payable in cash.

It appears that this is a matter in which a public hearing is not necessary and that the application should be granted. The action taken herein shall not be construed to be a finding of value for any purpose.

Therefore, good cause appearing,

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The property, which is described in the application, consists of two warehouses and designated warehouse equipment. Applicants also request cancellation of the warehouse permits assertedly held by Gibbs and issuance of new permits to McKinney and Sallaberry. Specific operating authority in the form of certificates of public convenience and necessity, warehouse permits, or otherwise is not a prerequisite to conducting operations as a public utility warehouseman at locations having a population of less than 150,000.

IT IS HEREBY ORDERED that J. R. Gibbs be and he is hereby authorized to sell and Lyon McKinney and Arnold Sallaberry be and they are hereby authorized to purchase the public utility warehouse property involved in this application and to execute a bill of sale; said bill of sale to be in substantially the same form as the bill of sale attached to the application as Exhibit "A".

IT IS HEREBY FURTHER ORDERED that immediately upon transfer of the property involved J. R. Gibbs and Lyon McKinney and Arnold Sallaberry 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 in so far as they name rates, rules and regulations governing warehouse operations of J. R. Gibbs at the warehouses involved in this proceeding to show that the former has withdrawn or canceled and that the latter have concurrently adopted or established as their own, said rates, rules and regulations; and that the tariff filings made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 all other respects comply with the regulations governing the construction and filing of warehouse tariffs set forth in the Commission's General Order No. 61.

This order shall become effective on the date hereof.

Dated at Los Angeles, California, this 31st day of
May, 1944.

Richard Jackson

Justice F. Craven

Francis O. ...

Commissioners