

Decision No. 38580

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

**ORIGINAL**

In the Matter of the Application of  
Carbona Growers Corporation, a cor-  
poration, and Richard C. Kellogg for  
an order to transfer certain real and  
personal property from Carbona Growers  
Corporation to Richard C. Kellogg.

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) Application  
:  
) No. 27099  
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**O P I N I O N**

Carbona Growers Corporation is operating two ware-  
houses, one at Carbona and the other at Rhodes Station, San  
Joaquin County. For the year 1944 the corporation's storage  
revenue amounted to \$12,642.63 and its revenue from other sources  
to \$11,776.03.

The corporation has 20,000 shares of stock of the par  
value of \$1 per share outstanding. The stock is owned by farmers  
who store beans and other farm products in the corporation's  
warehouses. At a special meeting of the stockholders held on  
December 19, 1945, at which meeting the holders of 19,955 shares  
of stock were present or represented, the stockholders voted  
unanimously to transfer the warehouse properties situate at  
Carbona to Richard C. Kellogg, upon the condition that he sur-  
render to the corporation 10,156 shares of stock owned by him.  
The following stockholders were present or represented at such  
meeting:

Henry Linne	250	shares
F. Marti	1500	"
P. Marti	1500	"
R. C. Alcock	750	"
C. Petz	650	"
A. Esquerria	900	"
A. Lehman	549	"
Mabel Hansen	1200	"
I. Petz	2000	"
Petz Estate	500	"
R. C. Kellogg	10156	"

The properties which the corporation asks permission to transfer to Richard C. Kellogg consist of about 1.31 acres of land described in the application, warehouse buildings, office equipment, tools, machinery and other personal property in the warehouse at Carbona on July 1, 1945, except storage bins for beans with elevator attached, a Chevrolet truck and bean bags. All accounts receivable as of the close of business on June 30, 1945, are to remain the property of the corporation, who will pay all debts as of that date. The debts are nominal in amount and consist of current liabilities.

Richard C. Kellogg in his letter of November 21, advises the Commission that if he acquires the warehouse properties at Carbona he will continue to operate the warehouse in the same manner and at the same rates as are now charged by Carbona Growers Corporation. He should, prior to the acquisition of the properties, file with the Commission his rates, rules and regulations in conformity with the Commission's General Order No. 61. The rates should in no instance be higher than the rates now on file by Carbona Growers Corporation. Carbona Growers Corporation should, upon the transfer of said warehouse properties, file a supplement to its warehouse tariff showing that it has ceased

operating the warehouse at Carbona.

The action taken herein shall not be construed to be a finding of value for any purpose other than the proceeding herein involved.

Q R D E R

The Commission has considered applicants' request and is of the opinion this is not a matter on which a hearing is necessary, that the transfer of said Carbona Warehouse properties to Richard C. Kellogg is not adverse to the public interest, and that this application should be granted, therefore,

IT IS HEREBY ORDERED that Carbona Growers Corporation be, and it is hereby, authorized to transfer to Richard C. Kellogg, on or before March 1, 1946, its warehouse properties described in this application, subject to the condition that said Richard C. Kellogg surrender to Carbona Growers Corporation for cancellation 10,156 shares of stock of Carbona Growers Corporation.

IT IS HEREBY FURTHER ORDERED that Carbona Growers Corporation shall, on or before March 1, 1946, if it transfers said warehouse properties, file a supplement to its warehouse tariff showing that it has ceased to operate a warehouse at Carbona.

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

Dated at San Francisco, California, this 4<sup>th</sup> day  
of January, 1946.

Harold Anderson

Justin F. Cravens

Thomas Beatty

Frank H. Luce

Commissioners