

ORIGINAL

Decision No 40258

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of F. E. Warner, also known as Fred E. Warner, doing business under fictitious firm name of Tracy Warehouse, to sell, and Eugene E. Chase and Louise S. Chase, his wife, Carl E. Schmidt and Ruth L. Schmidt, his wife, to purchase warehouse.)	
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)	Application
	:	No. 28399
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OPINION AND ORDER

F. E. Warner, hereinafter referred to as "Seller", is an individual engaged in business, under the firm name and style of Tracy Warehouse, as a public utility warehouseman in Tracy. He reports that he desires to dispose of his properties for the reason that his health does not permit him to continue in the warehouse operations and that accordingly he has entered into an agreement to sell his warehouse properties and business to Eugene E. Chase and Louise S. Chase, his wife, and Carl E. Schmidt and Ruth L. Schmidt, his wife, hereinafter referred to as "Buyers". For 1946, Seller reports warehouse operating revenue of \$41,909.61

The agreed purchase price is the sum of \$46,000 of which Buyers have paid \$4,600. They propose to issue to Seller a note for the balance of \$41,400, said note to be payable in monthly installments of \$200 commencing May 20, 1947, and continuing to and including October 20, 1947; in monthly installments of \$300 commencing November 20, 1947, and continuing to and including September 20, 1948; in monthly installments of \$400 commencing October 20, 1948, and continuing to and including December 20,

1948, and in monthly installments of \$500 commencing January 20, 1949, and continuing thereafter until paid, with interest at the rate of 5 percent per annum. The payment of the note will be secured by a mortgage of chattels and by a deed of trust, copies of which have been filed in this proceeding as Exhibits "A" and "B", respectively. They contain a description of the properties which F. E. Warner desires to sell.

The Commission has considered this matter and is of the opinion that a public hearing is not necessary, that the application should be granted, as herein provided, and that the money, property or labor to be procured or paid for through the issue of said note is reasonably required for the purpose specified herein, which purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income, therefore,

IT IS HEREBY ORDERED as follows:

1. F. E. Warner, after the effective date hereof and on or before July 31, 1947, may sell and transfer to said Buyers the warehouse properties referred to herein.
2. Buyers, after the effective date hereof and on or before July 31, 1947, in order to finance in part the cost of such properties and equipment, may execute a mortgage of chattels and a deed of trust, and issue a note for \$41,400 payable as indicated herein, said mortgage of chattels and deed of trust to be in, or substantially in, the same form as the mortgage of chattels and deed of trust filed in this proceeding.
3. Applicants, upon the transfer of the aforesaid properties, and upon not less than five (5) days' notice to the

Commission and to the public, shall supplement or re-issue the tariff on file with the Commission insofar as it names rates, rules and regulations governing warehouse operations by F. E. Warner, to show that said F. E. Warner has withdrawn or canceled, and that said Buyers concurrently have adopted or established said rates, rules and regulations. The tariff filings made pursuant to this order in all respects shall comply with the regulations governing the construction and filing of warehouse tariffs set forth in the Commission's General Order No. 61.

4. Buyers shall file with the Commission a report of the issue of the note as required by the Commission's General Order No. 24-A, which order, insofar as applicable, is made a part of this order.

5. The authority herein granted shall not be construed to be a finding of value of the properties herein authorized to be transferred.

6. The authority herein granted will become effective when Buyers have paid the fee prescribed by Section 57 of the Public Utilities Act, which fee is Forty-two (\$42.00) Dollars.

Dated at Los Angeles, California, this 13th day of May, 1947.

Harold P. Kule
Earl F. Paulle
R. Z. ...
Commissioners

