

Decision No. 40970

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Max Karp, Jeanette Karp, Albert Levie, )  
 and Elinor Levie, Sellers, Lewis Rex )  
 Feldman and Hortense Feldman, "Agents )  
 for Sellers" and Henry William Schafer, )  
 Frances Louise Schafer and Charles C. )  
 Chandler, Jr., partners, doing business )  
 as Antelope Valley Refrigerating Co., )  
 a partnership, Buyers, for an order )  
 authorizing the sale of property )  
 necessary or useful in the performance )  
 of duties to the public. )

ORIGINAL

Application No. 28837

OPINION AND ORDER

Max Karp, Jeanette Karp, Albert Levie and Elinor Levie own certain cold storage warehouse properties situated at Palmdale. These facilities are operated by Lewis Rex Feldman and Hortense Feldman as agents for the owners.<sup>1</sup> By this application the owners and agents seek authority to sell these properties and Henry William Schafer, Frances Louise Schafer and Charles C. Chandler, Jr. seek authority to purchase them. The consideration involved, \$135,000, is to be paid as follows: \$15,000 in cash, approximately \$15,000 by a credit through escrow for the operation of the properties during the escrow period, approximately \$73,000 by a note secured by a deed of trust payable at the rate of \$525.00 or more per month including

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<sup>1</sup> By Decision No. 40129, dated April 8, 1947, in Application No. 28268, the Commission authorized Max Karp, Jeanette Karp, Albert Levie and Elinor Levie, sellers, and Lewis Rex Feldman and Hortense Feldman, buyers, to enter into a conditional sale contract for the sale of the sellers' cold storage properties, under the terms of which the sellers retained title until final payment of the purchase price (\$115,000) had been made. The decision provided that during the pendency of the agreement, the buyers could hold the properties and operate them as agents for the sellers. The tariffs on file with the Commission naming rates for storage in the premises have been filed by Lewis Rex Feldman and Hortense Feldman as agents for sellers.

5% interest, \$27,000 by a note secured by a deed of trust payable at rate of \$225.00 or more per month including 5% interest, and \$5,000 in cash to the broker.

The verified application shows that the present operators desire to sell for the reason that other interests require a substantial portion of their time and that to continue with the warehouse operations would be detrimental to themselves and to the quality of service rendered to the public. It also shows that Henry William Schafer, Frances Louise Schafer and Charles C. Chandler, Jr. are willing and able to conduct the operations. They propose to provide the same service as that now available. No change in rates is proposed.

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

IT IS HEREBY ORDERED that Max Karp, Jeanette Karp, Albert Levie and Elinor Levie, sellers, and Lewis Rex Feldman and Hortense Feldman, agents for sellers, may, within sixty (60) days from the effective date hereof, sell and transfer to Henry William Schafer, Frances Louise Schafer and Charles C. Chandler, Jr., partners, the warehouse property involved in this proceeding; and that prior to the effective date of said sale Lewis Rex Feldman and Hortense Feldman, agents for sellers, and Henry William Schafer, Frances Louise Schafer and Charles C. Chandler, Jr. 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 Lewis Rex Feldman and Hortense Feldman, agents for sellers, to show that they have withdrawn or cancelled and that Henry William Schafer, Frances Louise Schafer and Charles C. Chandler, Jr. 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.

IT IS HEREBY FURTHER ORDERED that Henry William Schafer, Frances Louise Schafer and Charles C. Chandler, Jr., after the effective date hereof and on or before February 28, 1948, may execute two deeds of trust in, or substantially in, the same form as those filed with the application herein and may issue a note in the principal amount of not exceeding \$73,000 and a note in the principal amount of not exceeding \$27,000, payable as hereinbefore described, for the purpose of financing in part the purchase price of the property herein authorized to be transferred, it being the opinion of the Commission that the money, property or labor to be procured or paid for through the issue of said notes is reasonably required for the purpose specified in this application, which purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income.

IT IS HEREBY FURTHER ORDERED that the action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

IT IS HEREBY FURTHER ORDERED that Henry William Schafer, Frances Louise Schafer and Charles C. Chandler, Jr. shall file with the Commission a report of the issue of said notes as required by General Order No. 24-A, which order, in so far as applicable, is made a part of this order.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective when Henry William Schafer, Frances Louise Schafer and Charles C. Chandler, Jr. have paid the fee prescribed by Section 27 of the Public Utilities Act, which fee is one hundred (\$100.00) dollars.

Dated at San Francisco, California, this 25<sup>th</sup> day of November, 1947.

Harold D. Kule  
Justice F. Garner  
Leah H. Pearce  
P. J. Donohue  
Samuel P. Potter  
 Commissioners

