

ORIGINAL

Decision No. 12387

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)

of)

L. S. PRITCHARD, as Seller, and)
CARL G. EYRING and LEONA P.)
EYRING and JOHN R. ETHINGTON,)
as Buyers, for Order Authorizing)
Sale of "People's Warehouse Company,")
Trowbridge, California.)
-----)

Application
No. 29907

OPINION AND ORDER

L. S. Pritchard is engaged in the business of operating a public utility warehouse for the purpose of storing farm products at Trowbridge, California, under the name and style of People's Warehouse Company. He owns the warehouse building and equipment. The building is located on property leased from The Western Pacific Railroad Company. For 1945, he reports operating revenues of \$2,391.82; for 1946, \$1,957.74; and for 1947, \$755.31.

In this application, he asks permission to sell the warehouse building and equipment to Carl G. Eyring and Leona P. Eyring, his wife, and John R. Ethington, hereinafter sometimes referred to as Purchasers, under the terms of the agreement on file in this application as Exhibit "A". By the same agreement he agrees to sell to Purchasers certain real property not used by him in the warehouse business. The Purchasers agree to pay for the properties, both utility and nonutility, \$3,000. They will make a down payment of \$500 upon the execution of the agreement of sale. The remainder of the purchase price is payable, without

interest, at the rate of \$1 per ton on all grain and other crops stored in the warehouse annually, said payment to be made when the storage is collected by the Purchasers, with a minimum payment of \$400 per annum. Because of the terms of payment, the agreement is an evidence of indebtedness under the provisions of Section 52 of the Public Utilities Act. L. S. Pritchard retains title to the properties until the full purchase price is paid. He desires to sell the warehouse properties for the reason that other business interests make it impossible for him to give proper attention to the warehouse business without financial loss to him.

The Purchasers will continue the warehouse business.
No change in rates is proposed.

It appears that this is not a matter on which a public hearing is necessary, that the money, property or labor to be procured or paid for by said Purchasers through the execution of said agreement is reasonably required by them for the purpose of acquiring said warehouse properties, and that this application should be granted, subject to the provisions of this order; therefore,

IT IS HEREBY ORDERED as follows:

1. L. S. Pritchard and Cora B. Pritchard, his wife, may, after the effective date hereof, sell their public utility warehouse properties described in the agreement on file in this application as Exhibit "A", to Carl G. Eyring and Leona P. Eyring, his wife, and John R. Ethington, said sale to be made pursuant to the terms of said agreement, which agreement Applicants may execute, provided that prior to the transfer of said

properties L. S. Pritchard and said Purchasers 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 insofar as they name rates, rules and regulations governing warehouse operations at Trowbridge to show that L. S. Pritchard has withdrawn or canceled and said Purchasers 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 filing of warehouse tariffs set forth in the Commission's General Order No. 61.

2. The authority herein granted will become effective when said Purchasers, or any of them, have paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which minimum fee is twenty-five (\$25.00) dollars.

Dated at San Francisco, California, this 28th day of December, 1948.

R. B. Anderson
Justus F. Callender
Kenneth B. Bates

Commissioners

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STATE OF CALIFORNIA
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By *W. A. Klippel*