

Decision No. 42982

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
SOUTHERN PACIFIC MILLING COMPANY,	:	
a corporation, to sell and transfer,)	
and of JOHN F. MILLER and PETER J.	:	
CUCCATTO, a copartnership, doing)	Application
business as VALLEY FEED & WAREHOUSE	:	No. 30367
CO., to purchase and acquire a public)	
utility warehouse at Moorpark, Cali-	:	
formia and to issue evidences of)	
indebtedness.	:	
-----)	

OPINION AND ORDER

This is an application for an order of the Public Utilities Commission authorizing Southern Pacific Milling Company, a corporation, hereinafter referred to as Seller, to sell and transfer certain warehouse properties to John F. Miller and Peter J. Cuccatto, co-partners, doing business as Valley Feed & Warehouse Co., hereinafter referred to as Buyers, and authorizing said Buyers to issue two notes in the aggregate amount of \$20,000 and to execute two deeds of trust.

The application shows that Seller operates a public utility warehouse at Moorpark, Ventura County. In this application, it seeks permission to sell and transfer such warehouse and the land upon which it is situated and certain warehouse and office equipment to Buyers, for the sum of \$35,000. The land is described in Exhibit "E" and the warehouse and personal property in Exhibit "H" on file in this application. The warehouse is a one-story building, constructed with heavy timber framing with

corrugated side walls and roof. It has a cement floor. The building is approximately 256' x 60'. It is equipped for bean and grain cleaning, has drive-on truck scales and is served by a Southern Pacific spur track.

The purchase price is payable in the amount of \$30,000 at the time of transfer of the properties, and in the amount of \$5,000 in accordance with the terms of a promissory note to be executed by Buyers to Seller. In addition, Buyers propose to issue a note for \$15,000 to Bank of A. Levy Incorporated, of Oxnard, California, in order to obtain a portion of the cash payment to be made on the purchase price.

The note to be issued to Bank of A. Levy Incorporated, will be payable in annual installments of \$5,000 or more with interest at the rate of 6% per annum, and will be secured by a deed of trust covering the properties to be transferred. The note in favor of Southern Pacific Milling Company will be payable on or before four years after its date with interest at the rate of 5% per annum, and will be secured by a deed of trust covering the same properties, which deed of trust is a second and junior lien to the deed of trust securing the payment of the \$15,000 note.

The application shows that John F. Miller, one of the Buyers, has been an employee of Seller for several years, and for the last two years has been in charge of the warehouse now proposed to be transferred.

The Commission has considered this application and is of the opinion that a public hearing thereon is not necessary, and

that it should be granted, as herein provided. The action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred. In the opinion of the Commission, the money, property or labor to be procured or paid for through the issue of the notes is reasonably required by Buyers for the purpose specified herein, and that such purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income; therefore,

IT IS HEREBY ORDERED as follows:

1. Southern Pacific Milling Company, after the effective date hereof and on or before August 31, 1949, may sell and transfer to John F. Miller and Peter J. Cuccatto, the warehouse properties referred to in this proceeding.

2. John F. Miller and Peter J. Cuccatto, after the effective date hereof and on or before August 31, 1949, for the purpose of financing in part the purchase price of said warehouse properties, may issue a promissory note in the principal amount of \$15,000 and a promissory note in the principal amount of \$5,000, and may execute two (2) deeds of trust to secure the payment of said notes, which notes and deeds of trust shall be in, or substantially in, the same form as those filed in this proceeding as Exhibit "D", Exhibit "E", Exhibit "F", and Exhibit "G".

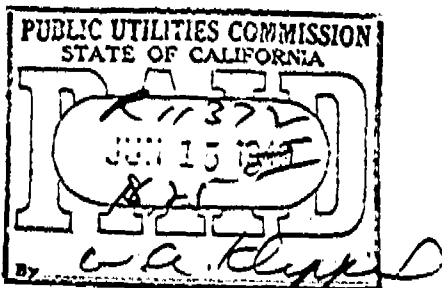
3. Applicants shall, on not less than five (5) days' notice to the Commission and to the public, supplement or reissue the tariff on file with the Commission by Southern Pacific Milling Company to show that Southern Pacific Milling Company has withdrawn from said tariff insofar as it names rates, rules and regulations

for its operations at Moorpark, and that John F. Miller and Peter J. Cuccatto have concurrently adopted as their own said rates, rules and regulations. 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.

4. John F. Miller and Peter J. Cuccatto shall file with the Commission a copy of the instruments of conveyance by which they receive title to the properties referred to herein, and a copy of each note and deed of trust as actually executed, such filings to be made within thirty (30) days after the dates of such instruments.

5. The authority herein granted will become effective when John F. Miller and Peter J. Cuccatto have paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which fee is twenty-five (\$25.00) dollars.

Dated at San Francisco, California, this 14th day of June, 1949.



Q. E. Zimmerman
Justin J. Calver
Joseph Powell
Harold Hule
Samuel Potter
Commissioners.