

**ORIGINAL**

Decision No. 43542

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
CECIL H. FOWLER and HAZEL DEL FOWLER,  
a co-partnership, doing business as  
C. H. FOWLER WAREHOUSE AND ELEVATOR,  
for Order Authorizing Issuance of a  
Promissory Note, Chattel Mortgage, and  
the Assignment of Certain Leases as  
Security.

Application  
No. 30773

O P I N I O N

Cecil H. Fowler and Hazel Del Fowler, a co-partnership doing business as C. H. Fowler Warehouse and Elevator, ask in this application permission to issue to the Hanford Branch of the Bank of America National Trust and Savings Association their promissory note for \$15,000 and execute a mortgage of chattels to secure the payment of the note.

Applicants are engaged in the business of handling, storing, warehousing, and carloading grain and other merchandise at Stratford, California. Recently, they had constructed on premises leased from the Southern Pacific Railroad Company in the town of Stratford, California, a steel and concrete building approximately 75 feet by 140 feet for the storage of grain in bulk. They report that the cost of the building and equipment was about \$47,000. Applicants paid part of such cost through the issue of the notes (\$34,000) authorized by Decision No. 42745, dated April 19, 1949, in Application No. 30237.

The application shows that the \$15,000 which applicants propose to borrow will be used for the following purposes:

- |   |          |
|---|----------|
| (a) To pay balance due on the cost of the new warehouse building and equipment                      | \$10,925 |
| (b) To pay to West Lake Farms, a co-partnership, due under agreement filed in Application No. 30237 | 4,000    |

The \$15,000 note is payable in annual installments of \$3,000, the first payment being due one year after the date of the note. The note will bear interest at the rate of 5% per annum, payable semi-annually. The payment of the note and interest will be secured by a mortgage of chattels which will be a lien on the new warehouse building and equipment. Copies of the note and mortgage of chattels are on file in this application as Exhibit A and Exhibit B, respectively.

#### O R D E R

The Commission has considered this application and is of the opinion that a hearing thereon is not necessary, that the money, property or labor to be procured or paid for through the issue of the note herein authorized is reasonably required by Cecil H. Fowler and Hazel Del Fowler, a co-partnership doing business as C. H. Fowler Warehouse and Elevator, for the purposes herein stated, which purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income, and that this application should be granted, subject to the provisions of this order; therefore,

IT IS HEREBY ORDERED as follows:

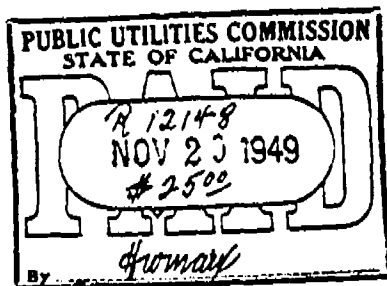
1. Cecil H. Fowler and Hazel Del Fowler, a co-partnership doing business as C. H. Fowler Warehouse and Elevator, may issue, after the effective date hereof and on or before December 31, 1949,

to the Hanford Branch of the Bank of America National Trust and Savings Association their promissory note for the sum of not exceeding \$15,000, and execute a mortgage of chattels to secure the payment of the note, said note and said mortgage of chattels to be in, or substantially in, the form of the note and mortgage of chattels on file in this application as Exhibit A and Exhibit B, respectively. Applicants shall use the proceeds of said note to pay the balance (approximately \$10,925) due on the cost of the new warehouse building and equipment referred to in this application, and to pay West Lake Farms the sum of \$4,000.

2. The authority herein granted will become effective when applicants, or either 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.

3. If Cecil H. Fowler and Hazel Del Fowler, a co-partnership doing business as C. H. Fowler Warehouse and Elevator, exercise the authority herein granted, they shall file with the Commission, on or before January 31, 1950, a copy of the note and a copy of the mortgage of chattels executed under the authority herein granted, together with a statement showing the purposes for which they expended the proceeds obtained through the issue of said note.

Dated at San Francisco, California, this 22nd day of November, 1949.



*Justice F. C. Cramer*  
*Harold P. Kula*  
*Commissioners*