

ORIGINAL

Decision No. 43550

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 ERNEST J. EVANS for an Order Autho-)
 rizing the Transfer of Warehouse)
 Properties, Franchise, etc., to)
 Ventura County Warehouse Co., a)
 corporation; and)
)
 In the Matter of the Application of)
 VENTURA COUNTY WAREHOUSE CO., a cor-)
 poration, for an Order Authorizing)
 the Issuance of Shares.)
 -----)

Application
No. 30730

O P I N I O N

In this application, Ventura County Warehouse Co., a corporation, asks permission to issue 6,250 shares of its capital stock of the par value of \$10 per share to Ernest J. Evans in consideration for the warehouse properties and business acquired by him under the authority granted by Decision No. 43383, dated October 11, 1949. Ernest J. Evans joins in the application, and asks permission to sell said warehouse properties to Ventura County Warehouse Co.

The warehouse properties are situated at or near El Rio, Ventura County, California. They are described in the resolution on file in this application as Exhibit A. Ernest J. Evans acquired said properties and business from Southern Pacific Milling Company at a cost of \$62,500. He is the president and director and principal shareholder of West Los Angeles Milling Co. Upon the transfer of the properties and the issue of the 6,250 shares of stock to Ernest J. Evans, he proposes to sell the following number of shares of stock for cash, at the par value of \$10 per share, to

the following parties:

	<u>No. of Shares</u>
To J. V. Smith, a bean grower in the Oxnard area	1,500
To Arnold Poppic, vice president and director of West Los Angeles Milling Co.	750
To Louis R. Stephens, a bean grower in the Los Angeles area	1,500
To George E. Croke, vice president and treasurer of West Los Angeles Milling Co.	750
To C. L. McGaughey, attorney, secretary and director of West Los Angeles Milling Co.	<u>250</u>
Total	<u>4,750</u>

It is reported that the capital requirements of Ventura County Warehouse Co. for inventory and working cash will be provided by loans made by or through the shareholders and officers.

Pending the purchase of the properties by Ernest J. Evans, it was agreed with Southern Pacific Milling Company that it would construct, at an approximate cost of \$12,500, three additional storage bins and conveyors at the warehouse. The bills for this work have not yet been presented. If they are submitted prior to the transfer of the properties they will be paid by Ernest J. Evans, and Ventura County Warehouse Co. will undertake on open account to reimburse Ernest J. Evans. If they are presented after the transfer of the properties they will be paid by Ventura County Warehouse Co. out of funds supplied by Ernest J. Evans on open account.

Ventura County Warehouse Co. proposes to adopt the tariffs now in effect for said warehouse. No change in rates or in service available to the public is proposed.

Applicants report that the harvesting of beans is now in process and that the completion of the proposed transaction will

greatly facilitate the permanent management of the warehouse. They therefore request that the authority to sell and transfer the properties be made effective upon the date of the Commission's decision.

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 by the issue of 6,250 shares (\$62,500 par value) of capital stock by Ventura County Warehouse Co. is reasonably required by it for the purpose herein stated, which purpose is 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. Ernest J. Evans may sell and transfer, on or before December 31, 1949, to Ventura County Warehouse Co., a corporation, the warehouse properties and business referred to in the opinion preceding this order and in the resolution on file in this application as Exhibit A.

2. Ventura County Warehouse Co., a corporation, may issue and deliver, on or before December 31, 1949, to Ernest J. Evans, not exceeding 6,250 shares of its capital stock in consideration for said warehouse properties and business.

3. The action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

4. Prior to the sale and transfer of said warehouse properties, applicants 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 to show that Ernest J. Evans has withdrawn or canceled and that Ventura County Warehouse Co., a corporation, has concurrently adopted or established as its 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.

5. Within thirty (30) days after the issue of the shares of stock herein authorized to be issued, or any part thereof, Ventura County Warehouse Co. shall file with the Commission a report showing the number of shares of stock issued under the authority herein granted, the person or persons to whom said shares of stock were issued, and the consideration received therefor. It shall also file with the Commission a copy of the grant deed and a copy of the bill of sale under which it acquired and holds title to said warehouse properties.

6. The authority herein granted is effective upon the date hereof.

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

R. Z. [Signature]
James J. [Signature]
[Signature]
[Signature]
[Signature]
Commissioners