

ORIGINAL

Decision No. 46125

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
FRANCES M. HIBBITT, an individual, :
to sell and transfer and of WILLIAM)
E. HIBBITT and DAVID MACAULAY, a :
partnership, doing business as)
LAWRENCE WAREHOUSE & DISTRIBUTING :
CO., to purchase and acquire a public)
utility warehouse business at Sacra- :
mento, California, and to issue evi-)
dence of indebtedness. :
-----)

Application
No. 32641

OPINION AND ORDER

This is an application for an order authorizing Frances M. Hibbitt to transfer certain public utility warehouse properties to William E. Hibbitt and David Macaulay.

The application shows that Frances M. Hibbitt is, and since 1940 has been, engaged in operating certain public utility warehouse properties in Sacramento under the firm name and style of Lawrence Warehouse & Distributing Co.; that she now desires to retire from business and that she has made arrangements to transfer her properties and business to William E. Hibbitt and David Macaulay. The agreed purchase price to be paid is the sum of \$89,000, of which \$36,000 has been paid in cash and the balance of \$53,000 will be payable in annual installments of \$6,000, or more, with interest at the rate of 4-1/2% per annum upon the unpaid balances. A copy of the agreement of sale has been filed in this proceeding as Exhibit A.

It appears that William E. Hibbitt has been traffic manager of the business for the last two and one-half years, and David Macaulay has been assistant manager for the last five years. They report that they have adequate working capital to conduct the

business and that they propose to adopt the rates, rules and regulations now in effect.

The Commission has considered this matter and is of the opinion that a public hearing thereon is not necessary, that the proposed transfer will not be adverse to the public interest, and that the application should be granted, as herein provided; therefore,

IT IS HEREBY ORDERED as follows:

1. Frances M. Hibbitt, after the effective date hereof and on or before December 31, 1951, may transfer her public utility warehouse business and properties to William E. Hibbitt and David Macaulay, in accordance with the terms of the agreement filed in this proceeding as Exhibit A, which agreement applicants are authorized to execute.

2. William E. Hibbitt and David Macaulay, after the effective date hereof and on or before December 31, 1951, if they so desire, may issue a note, or notes, in the aggregate principal amount of not exceeding \$53,000, payable in annual installments aggregating \$6,000, or more, with interest at the rate of 4-1/2% per annum upon unpaid balances, in part payment for said business and properties. The Commission is of the opinion that the money, property or labor to be procured or paid for through the execution of the agreement and the issue of the note, or notes, herein authorized is reasonably required by William E. Hibbitt and David Macaulay for the purpose specified herein, and that such purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income.

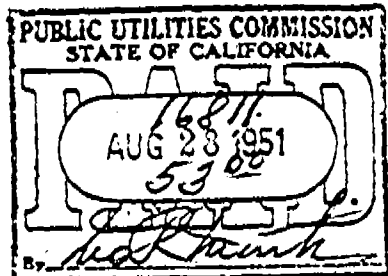
3. The action taken herein shall not be construed to be a finding of the value of the properties herein authorized to be transferred.

4. On not less than five (5) days' notice to the Commission and to the public, the tariffs now on file with the Commission, insofar as they name rates, rules and regulations governing warehouse operations of Frances M. Hibbitt, shall be supplemented or reissued to show that Frances M. Hibbitt has withdrawn or canceled and that William E. Hibbitt and David Macaulay have adopted or established as their own said rates, rules and regulations. The tariff filings made pursuant to this order in all respects shall comply with the regulations governing the construction and filing of warehouse tariffs set forth in the Commission's General Order No. 61.

5. William E. Hibbitt and David Macaulay, within thirty (30) days after commencing operation of said business and properties, shall file with the Commission a copy of the journal entry, or entries, used by them in recording the transaction on their books of account.

6. The authority herein granted will become effective when William E. Hibbitt and David Macaulay have paid the fee prescribed by Section 57 of the Public Utilities Act, which fee is fifty-three (\$53.00) dollars.

Dated at San Francisco, California, this 28th day of August, 1951.



Q. J. [Signature]
Justus J. Gallen
[Signature]

Commissioners