

ORIGINAL

Decision No. 46298

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF THE APPLICATION)
 OF RAYMOND DONNELL, an individual)
 doing a grain warehouse business in)
 the County of Yolo, State of)
 California, under the firm name and)
 style of Donnell Grain & Warehouse)
 Co., for permission to execute a)
 note and mortgage on his public)
 utility property.)
 -----)
 :

Application
No. 32788

OPINION AND ORDER

In this application, Raymond Donnell asks authority to execute a deed of trust and to issue a note in the principal amount of \$12,000.

Applicant is a public utility warehouseman doing business in Davis, Yolo County, as Donnell Grain & Warehouse Co. The application shows that by Decision No. 39141, dated June 25, 1946, in Application No. 27565, he was authorized to acquire certain warehouse properties from Plant Warehouse, Inc. and to issue a note in the principal amount of \$8,000 to provide a part of the \$10,500 purchase price, but that thereafter he made arrangements to consolidate the indebtedness with an existing loan of \$4,000, and on May 28, 1951, without first obtaining the authorization of this Commission, issued a new note for \$12,000 and executed a deed of trust covering his public utility properties, although it appears that his failure to obtain such authorization was through inadvertence and with no intent to evade the provisions of the Public Utilities Act.

The \$12,000 note, by its terms, is payable in monthly installments of \$75 plus interest at the rate of 5% per annum on deferred payments, with the entire remaining balance of principal and

interest being due ten years after the date of the note.

The Commission has considered this matter and is of the opinion that a public hearing thereon is not necessary, that the \$12,000 note and the deed of trust dated May 28, 1951, are void, and that it will be necessary for applicant to execute new instruments following the effective date of this order; therefore,

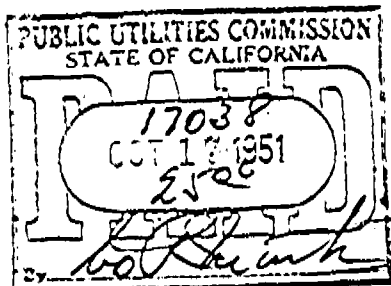
IT IS HEREBY ORDERED as follows:

1. Raymond Donnell, after the effective date hereof and on or before December 31, 1951, may issue a note in the principal amount of not exceeding \$12,000 and may execute a deed of trust, in substantially the same form as the note and deed of trust filed in this proceeding, in lieu of the note and deed of trust dated May 28, 1951, which were made and executed without an order from the Commission. In the opinion of the Commission the money, property or labor to be procured or paid for through the issue of the note herein authorized is reasonably required by applicant for the purpose specified herein, and that such purpose is not, in whole or in part, reasonably chargeable to operating expenses or to income.

2. Applicant shall file with the Commission monthly reports as required by General Order No. 24-A, which order, insofar as applicable, is made a part of this order.

3. The authority herein granted will become effective when applicant has paid the minimum fee prescribed by Section 1904 of the Public Utilities Code, which fee is twenty-five (\$25.00) dollars.

Dated at San Francisco, California, this 15th day of October, 1951.



President
Justin J. Greener

Harriet Hula

Harriet Hula

Commissioners