

Decision No. 48679

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
	:	
BEN F. HALL (MERCHANTS WAREHOUSE SERVICE))	
and ROY F. MITCHELL (MERCHANTS WAREHOUSE SERVICE)	:	
)	Application
	:	No. 34390
for an order authorizing the sale and)	
purchase of the warehouse located at	:	
134 Foley Street, Santa Rosa, California.)	
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O P I N I O N

This is an application for an order authorizing Ben F. Hall to transfer certain warehouse properties located at Santa Rosa to Roy F. Mitchell.

The application shows that Ben F. Hall, doing business as Merchants Warehouse Service, has been engaged in the operation of a public warehouse at Santa Rosa. Information on file with the Commission shows that said Hall built the warehouse for hop storage in 1947, that he is now out of the hop business, that he desires to dispose of his warehouse business and properties in order to liquidate outstanding indebtedness and that accordingly he has made arrangements to dispose of his properties to Roy F. Mitchell for the sum of \$37,500.

It appears that Roy F. Mitchell proposes to borrow \$22,500 from the Exchange Bank of Santa Rosa to finance in part the purchase price, said sum to be represented by a note payable in monthly installments of \$225, or more, with interest at the rate of 5% per annum, the payment of the note to be secured by a deed of trust

covering the properties. The application shows that Roy F. Mitchell is familiar with the operations of the public warehouse, that he intends to continue the business and that financially he is in a position to do so. In our opinion, therefore, the proposed transfer will not be adverse to the public interest and an order should be entered granting applicants' requests.

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

O R D E R

The Commission having considered the above entitled matter and being of the opinion that a public hearing is not necessary, that the application should be granted, as herein provided, that the money, property or labor to be procured or paid for by the issue of the note herein authorized is reasonably required by Roy F. Mitchell 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. Ben F. Hall may transfer to Roy F. Mitchell, on or before December 31, 1953, the public utility warehouse properties and business referred to in this proceeding.
2. Roy F. Mitchell may issue his promissory note, on or before December 31, 1953, in the principal amount of not exceeding \$22,500 for the purpose of financing, in part, the cost of acquisition of such properties and business, and may execute a deed of trust, which note and deed of trust shall be in, or substantially in, the

same form as those filed in this proceeding.

3. On not less than five days' notice to the Commission and to the public, applicants shall supplement or reissue the tariffs now on file with the Commission, insofar as they name rates, rules and regulations governing warehouse operations of Ben F. Hall, to show that Ben F. Hall has withdrawn or canceled and that Roy F. Mitchell concurrently has adopted or established as his 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.

4. Roy F. Mitchell 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.

5. The authority herein granted will become effective when Roy F. Mitchell has paid the minimum fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25.00.

Dated at Los Angeles, California, this 9th day of June, 1953.

[Signature]
President
Justus F. Creever
Harold P. Hale
[Signature]
[Signature]
Commissioners

