

**ORIGINAL**

Decision No. 48968

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

|  |   |             |
|--|---|-------------|
| In the Matter of the Application of              | ) |             |
|  | : |             |
| ROY F. MITCHELL (MERCHANTS WAREHOUSE SERVICE)    | ) |             |
| and H. JACK LIEBAU (MERCHANTS WAREHOUSE SERVICE) | : |             |
|  | ) | Application |
|  | : | No. 34617   |
| for an order authorizing the sale and            | ) |             |
| purchase of the warehouse located at             | : |             |
| 134 Foley Street, Santa Rosa, California.        | ) |             |
| -----  | : |             |

O P I N I O N

This application shows that Roy F. Mitchell, doing business as Merchants Warehouse Service, is engaged in the public utility warehouse business in Santa Rosa, that he desires to retire from his warehouse operations in order to devote himself to other activities, and that he has made arrangements and now seeks authorization to sell his warehouse properties to H. Jack Liebau.<sup>1/</sup> The proposed purchase price to be paid by H. Jack Liebau is the sum of \$39,000, of which \$16,500 will be provided by the purchaser from his own funds and the remaining \$22,500 will be obtained through the issue of a note to Exchange Bank secured by a deed of trust.

The application indicates that applicant Liebau is familiar with the operations and properties of the Merchants Warehouse Service and that financially he is in a position to take over and continue the public utility operations. In our opinion, therefore, the proposed transfer will not be adverse to the public interest and an order should be entered approving the transfer.

---

<sup>1/</sup> Roy F. Mitchell acquired the warehouse properties from Ben F. Hall for the sum of \$37,500 pursuant to authorization granted by the Commission by Decision No. 48679, dated June 9, 1953.

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 H. Jack Liebau 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. Roy F. Mitchell, on and after the effective date hereof and on or before December 31, 1953, may transfer to H. Jack Liebau the public utility warehouse properties and business referred to in this proceeding, and H. Jack Liebau, in financing in part the purchase price, may execute a deed of trust, in substantially the same form as that filed in this proceeding, and may issue a promissory note in the principal amount of not exceeding \$22,500, payable in monthly installments of \$225, or more, with interest at the rate of 5% per annum.

2. 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 Roy F. Mitchell, to show that Roy F. Mitchell has withdrawn or canceled and

that H. Jack Liebau 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.

3. H. Jack Liebau 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.

4. The authority herein granted will become effective when H. Jack Liebau has paid the minimum fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25.00.

Dated at San Francisco, California, this 18<sup>th</sup> day of August, 1953.

\_\_\_\_\_  
President

*Justin F. Casner*

*Harold P. Kula*

*Robert L. Mitchell*

\_\_\_\_\_  
Commissioners

