

**ORIGINAL**

Decision No. 49217

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Ellis J. Fields )  
for authorization to execute evidence )  
of indebtedness. )  
----- )

Application  
No. 34780

OPINION AND ORDER

Ellis J. Fields, applicant herein, doing business as Resort Freight Lines, is a highway common carrier of property between Calistoga and points in Lake County. In this application he seeks authorization to issue a promissory note in the principal amount of \$5,100 in payment of outstanding indebtedness, such note to be issued to Bank of America National Trust and Savings Association, to be payable on demand or, if no demand is made then on March 4, 1954, with interest at the rate of 5½% per annum.

The application shows that pursuant to authorization granted by the Commission by Decision No. 46509, dated December 11, 1951, applicant issued to Louis Menzio his promissory note in the principal amount of \$9,500, that thereafter he discharged such note with moneys borrowed from Bank of America National Trust and Savings Association, and that on September 4, 1953, he issued to the bank his promissory note in the principal amount of \$5,100 in evidence of the amount of the indebtedness then remaining unpaid. Applicant did not obtain from this Commission authorization to issue the new note, although it appears that his failure to do so was through inadvertence and with no intent to evade the provisions of the Public Utilities Code. When his attention was called to the necessity of obtaining Commission approval, he filed this application for

authorization to issue a new note in lieu of that heretofore issued.

The Commission has considered this matter and is 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 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; therefore,

IT IS HEREBY ORDERED as follows:

1. Ellis J. Fields may issue a promissory note, on or before December 31, 1953, in the principal amount of not exceeding \$5,100, in the form and for the purpose set forth in this proceeding.

2. Ellis J. Fields shall file with the Commission a report, or 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 upon the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup> day of October, 1953.

R. B. Anderson  
President

Justin J. Carlson  
Samuel Pottel  
John E. McMillan  
Donna Duggins  
Commissioners