

ORIGINAL

Decision No. 50511

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of GEORGE A. SPERRY, doing	)	
business as SPERRY'S WAREHOUSE, for authority	:	
to sell, convey and/or transfer the business,	)	Application
warehouses and utility properties to Appli-	:	No. 35723
cants, GEORGE G. VOIGHT and FLORENCE M. VOIGHT,	)	
husband and wife, as Buyers.	:	
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OPINION AND ORDER

This is an application for an order authorizing George A. Sperry, doing business as Sperry's Warehouse, to transfer certain warehouse properties to George G. Voight and Florence M. Voight.

Applicant Sperry is engaged in the operation of a feed and farm supply business, together with a public utility warehouse for the storage of beans and grain, in Denair, Stanislaus County, located on property leased from The Atchison, Topeka and Santa Fe Railway Company, his tangible properties consisting of two frame warehouse structures, scales, trucks, elevators, barley mills and miscellaneous equipment.<sup>1/</sup>

The application shows that applicant Sperry is in ill health and is unable to participate any longer in the active management of the business. He has made arrangements to sell his properties to George G. Voight and Florence M. Voight for the sum of \$25,000, payable \$8,000 in cash at the time of the sale and the balance of \$17,000 in annual installments of \$5,000, or more, together with interest on deferred balances at the rate of 6% per annum. The deferred payments will be represented by a note secured by a mortgage

<sup>1/</sup> For 1953, applicant Sperry reported his storage revenues at \$833 and his nonutility revenues at \$12,197.

of chattels on the personal property.

It appears that the purchasers are the owners and operators of grain and cattle ranches in and around Waterford, Hickman and La Grange and that financially they are in a position to take over and to continue the warehouse operations. They report that they intend to continue the business under the name of Lone Pine Feed Mill and that they will enlarge and improve the present structures.

Upon reviewing this application we are of the opinion that the proposed transfer will not be adverse to the public interest, that a public hearing is not necessary in the proceeding, that the money, property or labor to be procured or paid for by the issue of the note herein authorized is reasonably required by applicants Voight 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. George A. Sperry may sell and transfer the public utility warehouse known as Sperry's Warehouse to George G. Voight and Florence M. Voight on or before December 31, 1954, upon the terms and conditions set forth in this application.

2. George A. Voight and Florence M. Voight, in part payment for such warehouse properties, may execute a mortgage of chattels and issue a note in the principal amount of not exceeding \$17,000, said mortgage of chattels and note to be in, or substantially in, the same form as those filed in this proceeding.

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 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 George A. Sperry, to show that George A. Sperry has withdrawn or canceled and that George G. Voight and Florence M. Voight concurrently 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. George G. Voight and Florence M. Voight 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.

6. The authority herein granted will become effective when George G. Voight and Florence M. Voight have 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 14<sup>th</sup> day of September, 1954.

John L. Mitchell  
President

Justin J. Cramer

Samuel J. Patterson

Gene J. Higgins

Commissioners

