

ORIGINAL

Decision No. 57721

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PACIFIC INDUSTRIES, INC., a corporation,
and TRI-COUNTIES RICE, INC., a corporation,
to sell, and of FARMERS RICE GROWERS
COOPERATIVE, a corporation, to purchase
certain assets, including warehouse
property and equipment, and in connection
therewith for the latter to issue to a
lending agency its promissory notes
secured by chattel mortgages covering
such warehouse property and equipment.

Application No. 40514
(First Supplemental)

FIRST SUPPLEMENTAL OPINION AND ORDER

By Decision No. 57609, dated November 10, 1958, in this proceeding, the Commission (1) authorized Pacific Industries, Inc., and Tri-Counties Rice, Inc., to sell and transfer and Farmers' Rice Growers Cooperative to purchase and acquire certain warehouse properties, and (2) authorized Farmers' Rice Growers Cooperative to issue \$1,000,000 of 6% notes.

On November 26, 1958, applicants filed their first supplemental application in which they indicate a purchase price of \$1,000,000 instead of \$1,162,408, and a proposed first supplemental indenture, purchase agreement, and notes covering properties and containing terms varying in some respects from those contemplated by said Decision No. 57609.

The Commission has considered this first supplemental application and is of the opinion that a public hearing is not necessary, and that Decision No. 57609, dated November 10, 1958, should be modified; therefore,

IT IS HEREBY ORDERED as follows:

1. The purchase price for the warehouse properties to be transferred under authority of Decision No. 57609, dated November 10, 1958, as modified by this first supplemental opinion and order, together with the other related properties and interests, shall be an amount not to exceed \$1,000,000.

2. Farmers' Rice Growers Cooperative may make, execute and deliver a first supplemental indenture in, or substantially in, the same form as that filed with this Commission on December 1, 1958, in connection with this first supplemental application.

3. The first mortgage notes in an aggregate amount of not to exceed \$1,000,000 authorized by said Decision No. 57609 shall be in, or substantially in, the same form as that filed with this Commission on December 5, 1958, in connection with this first supplemental application, and the proceeds to be derived therefrom shall be expended to finance the purchase price of the properties and interests to be acquired from Pacific Industries, Inc.; and Tri-Counties Rice, Inc.

4. The authority herein granted is not to be construed to be a finding of the value of the properties authorized to be transferred.

5. Farmers' Rice Growers Cooperative shall comply with all applicable provisions of the Public Utilities Code of the State of California and the rules and regulations of this Commission thereunder, including, but not limited to, the filing of annual reports of its entire corporate activities and the further issuance of stock and long-term evidences of indebtedness only after first securing authority from this Commission.

6. Within 30 days after executing the first supplemental indenture and issuing the notes herein authorized, Farmers' Rice Growers Cooperative shall file with this Commission a copy of each as actually executed and issued.

7. The order in Decision No. 57609, dated November 10, 1958, shall remain in full force and effect except as modified by this first supplemental opinion and order.

8. This first supplemental opinion and order shall become effective on the date hereof.

Dated at San Francisco, California, this 16th day of December, 1958.

Ernest Fox
President
Russ Tuberman
William J. ...
Theodore ...
Commissioners