

ORIGINAL

Decision No. 58670

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of Ernest Rubke-dba- Rubke Warehouse for authorization to execute a promissory note under the provisions of Sections 851-853 of the Public Utilities Code.

Application No. 41210

OPINION AND ORDER

This is an application for an order of the Commission authorizing Ernest Rubke to execute a mortgage of chattels and a deed of trust and to issue a note in the principal amount of not to exceed \$18,000.

Applicant operates as a public utility warehouseman near Marysville, and is engaged in the storage, cleaning and processing of beans. In 1958, applicant executed a mortgage of chattels and a deed of trust securing an \$18,000 indebtedness evidenced by a long-term note, which he issued in favor of Bank of America National Trust and Savings Association, for the purpose of financing the cost of constructing an additional warehouse building.

It appears that applicant did not obtain authorization from the Commission to issue the \$18,000 note, nor to execute the mortgage of chattels and deed of trust securing the indebtedness, but that his failure to do so was through inadvertence and with no intent to evade provisions of the Public Utilities Code.

Applicant now proposes to execute a new mortgage of chattels and

deed of trust, and to issue a new note in favor of Bank of America National Trust and Savings Association in the principal amount of not to exceed \$18,000, payable in annual installments of \$3,600 with interest added at the rate of 6% per annum on decreasing balances, in lieu of the instruments now outstanding.

The Commission has considered this matter and is of the opinion that a public hearing is not necessary, that the application should be granted, 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. Ernest Rubke, on and after the effective date hereof and on or before September 30, 1959, for the purpose set forth in this application, may execute a mortgage of chattels and a deed of trust, and may issue a note in the principal amount of not to exceed \$18,000, which mortgage of chattels, deed of trust and note shall be substantially in the same form as those filed in this proceeding.

2. Ernest Rubke shall file a report as required by General Order No. 24-A, which order, insofar as applicable, is made a part of this order.

3. This opinion and order shall become effective when Ernest Rubke has paid the minimum fee prescribed by Section 1904(b) of the Public Utilities Code, which fee is \$25.

Dated at San Francisco, California,  
this 29<sup>th</sup> day of June, 1959.

E. J. Fox  
President  
W. E. [unclear]  
William [unclear]  
Theodore [unclear]  
Conrad [unclear]  
Commissioners

