

ORIGINAL

Decision No. 64212

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of

RUSSELL L. HARRISON and MARIE HARRISON, his wife, doing business as HARRISON WAREHOUSE, and SUTTER BASIN GROWERS COOPERATIVE, a California corporation,

for an order authorizing the sale and purchase of the HARRISON WAREHOUSE.

Application No. 44650
Filed July 19, 1962

O P I N I O N

This is an application for an order of the Commission authorizing Russell L. Harrison and Marie Harrison to sell a warehouse operative right and properties to Sutter Basin Growers Cooperative, a corporation, and authorizing said corporation to execute a deed of trust and to issue a note in the principal amount of \$35,000.

Russell L. Harrison and Marie Harrison, doing business as Harrison Warehouse, possess a prescriptive operative right as a public utility warehouseman for the operation of 22,230 square feet of floor space at Knights Landing and vicinity, as determined by the Commission on July 26, 1960, in Case No. 6628. In this application they report that they are unable to continue the operation of their warehouse

business and that they have entered into a written agreement to sell the Harrison Warehouse to Sutter Basin Growers Cooperative for the sum of \$40,000, payable \$5,000 in cash, with the balance of \$35,000 to be represented by a 5-1/4% note payable in annual installments of \$10,000, plus interest for three years, and a fourth installment of \$5,000, plus interest, payment of the note to be secured by a deed of trust.

Sutter Basin Growers Cooperative is a California corporation, organized on or about May 20, 1943, which possesses a prescriptive operative right as a public utility warehouseman for the operation of 41,600 square feet of floor space also at Knights Landing and vicinity, as determined by the Commission on August 30, 1960, in Case No. 6935. The application shows that the corporation has the financial resources to acquire and undertake the public utility operations of the Harrisons and that it will continue to operate the warehouse facilities for the benefit of the public as well as for its members. It appears that both the seller and the buyer maintain the same rates for service.

Upon reviewing this application, we find and conclude that the proposed transfer will not be adverse to the public interest; that the money, property or labor to be procured or paid for by the issue of the note herein authorized is reasonably required for the purpose specified herein; and that such purpose is not, in whole or in part, reasonably

chargeable to operating expenses or to income. We will enter an order granting the application.

The action taken herein shall not be construed to be a finding of the value of the operative right and properties herein authorized to be transferred.

O R D E R

The Commission has considered the above-entitled matter and has determined that a public hearing is not necessary, and that the application should be granted, therefore,

IT IS ORDERED that -

1. On and after the effective date hereof and on or before December 31, 1962, Russell L. Harrison and Marie Harrison may sell, assign, transfer and convey, and Sutter Basin Growers Cooperative, a corporation, may purchase and acquire, the operative right and properties referred to in the application, and said corporation, in part payment, may issue a note in the principal amount of not to exceed \$35,000, and may execute a deed of trust, which note and deed of trust shall be in the same form, or substantially in the same form, as those attached to the application as Exhibit D and Exhibit E, respectively.

2. Within thirty days after the consummation of the transfer herein authorized, Sutter Basin Growers Cooperative, a corporation, shall notify the Commission, in writing, of that fact and within said period shall file with the Commission a true copy of any bill of sale or other instrument of transfer which may be executed to effect said transfer, and a report of the issue of the note as required by General Order No. 24-A.

3. Effective concurrently with the consummation of the transfer authorized in paragraph 1 hereof, applicants shall cause to be amended the tariffs on file with the Commission naming rates, rules and regulations governing the public utility warehouse operations here involved to show that the participation of Russell L. Harrison and Marie Harrison, doing business as Harrison Warehouse, has been canceled. The tariff filings shall be made effective not earlier than ten days after the effective date of this order on not less than ten days' notice to the Commission and the public.

4. Effective concurrently with the effective date of the tariff filings required by paragraph 3 hereof, the prescriptive operative right as a public utility warehouseman set forth in the order dated July 26, 1960, in Case No. 6628, for Russell L. Harrison and Marie Harrison, doing business as Harrison Warehouse, will be deemed to have been transferred

to Sutter Basin Growers Cooperative; and simultaneously there-
with, operative rights as a public utility warehouseman are
restated for Sutter Basin Growers Cooperative, a corporation,
as more particularly set forth in Appendix A, attached hereto
and made a part hereof, in lieu of the rights as set forth in
Appendix A of the order dated August 30, 1960, in Case No. 6935,
and those transferred herein.

5. This order shall become effective when Sutter
Basin Growers Cooperative, a corporation, has paid the fee
prescribed by Section 1904(b) of the Public Utilities Code,
which fee is \$35.

Dated at San Francisco, California,
this 11th day of SEPTEMBER, 1962.

George A. Hoover
President
D. L. Fox
Frederick B. Hoffmann

Commissioners

Commissioner Peter E. Mitchell, being
necessarily absent, did not participate
in the disposition of this proceeding.

Commissioner Everett C. McKeage, being
necessarily absent, did not participate
in the disposition of this proceeding.



Sutter Basin Growers Cooperative, a corporation, possesses a prescriptive operative right as a public utility warehouseman for the operation of storage or warehouse floor space as follows:

<u>Location</u>	<u>Number of Square Feet of Floor Space</u>
Knights Landing and vicinity	63,830

(The floor space shown above is exclusive of the 50,000 square feet of expansion permissible under Section 1051 of the Public Utilities Code.)

Issued by California Public Utilities Commission.

Decision No. 64212, Application No. 44650.