

Decision No. 67763

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of EARL ANDERS, CLIFTON SHIFFLET, and HAROLD SHIFFLET, doing business as SHIFFLET BROS., for authorization to sell and transfer to EARL ANDERS and CLIFTON SHIFFLET, doing business as SHIFFLET BROS., to purchase and acquire a prescriptive right for operation as a public warehouseman in Butte County, California.

Application No. 46770
(Filed July 1, 1964)

O P I N I O N

Earl Anders, Clifton Shifflet and Harold Shifflet, doing business as Shifflet Bros., request authority to sell and transfer and Earl Anders and Clifton Shifflet, doing business as Shifflet Bros., request authority to purchase and acquire operating authority as a public utility warehouseman and certain property.

The operating authority is prescriptive in nature and authorizes operations as a public utility warehouseman in 5,000 square feet of space, at Chico. Said authority was described by Commission order dated August 30, 1960, in Case No. 6908.

The original partnership was dissolved pursuant to an agreement effective July 1, 1962. According to the terms of the agreement the retiring partner sold his interest in the warehouse operation as well as his interest in a permitted truck operation, which included 49 units of equipment, for the sum of \$69,105.94. Said consideration was to be paid at the rate of \$300 a month with interest on the unpaid balance computed at 4.5 percent per annum.

According to the application the partners were unaware that prior Commission approval of the transfer and the execution of evidence of indebtedness was required. Such authority is now requested. As of March 31, 1964, the remaining partners indicated a net worth in the amount of \$122,450.01.

Section 825 of the California Public Utilities Code provides that any evidence of indebtedness issued without prior authority of the Commission is void. Applicants will therefore be authorized to execute a new evidence of indebtedness covering the unpaid balance of the purchase price.

After consideration, the Commission finds that the proposed sale would not be adverse to the public interest and that the money, property or labor to be procured or paid for by the execution of the evidence of indebtedness herein authorized is reasonably required for the purposes specified herein, and such purposes are not, in whole or in part, reasonably chargeable to operating expenses or to income. A public hearing is not necessary.

O R D E R

IT IS ORDERED that:

1. On or before March 1, 1965, Earl Anders, Clifton Shifflet and Harold Shifflet (sellers), may sell and transfer, and Earl Anders and Clifton Shifflet (purchasers), may purchase and acquire, the operative rights and property referred to in the application.
2. Within thirty days after the consummation of the transfer herein authorized, purchasers 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.

3. Purchasers shall amend or reissue the tariffs on file with the Commission, naming rates, rules and regulations governing the warehouse operations herein to show that they have adopted or established, as their own, said rates, rules and regulations. 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, and the effective date of the tariff filings shall be concurrent with the consummation of the transfer herein authorized. The tariff filings made pursuant to this order shall comply in all respects with the regulations governing the construction and filing of tariffs set forth in the Commission's General Order No. 61-A.

4. On or before the end of the third month, after the consummation of the transfer as herein authorized, purchasers shall cause to be filed with the Commission, in such form as it may prescribe, an annual report, or reports, covering the period commencing with the first day of the current year to and including the effective date of the transfer.

5. After the effective date hereof, purchasers may incur indebtedness in the amount of not to exceed \$69,105.94, for the purposes set forth in the application and repayable at the rate of \$300 per month with interest on the unpaid balance computed at 4.5 percent per annum.

6. Within thirty days after execution of said evidence of indebtedness, purchasers shall file with the Commission a copy thereof as actually executed.

The authority herein granted to issue a note will become effective when applicants have paid the fee prescribed by Section

1904(b) of the Public Utilities Code, which fee is \$70. In other respects the effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 25th day of August, 1964.

Frederick B. Hallock
President
Robert E. Mitchell
Robert A. Page
George H. Trover
William C. Duvall
Commissioners

