

**ORIGINAL**Decision No. 83212

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 PHILLIP R. COLLINS and GEORGE T. STORY, )  
 partners doing business as COLLINS & )  
 STORY, for authorization to transfer, ) Application No. 54911  
 and of PACIFIC INTERNATIONAL RICE MILLS, ) Petition for Modification  
 INC., a corporation, to acquire, public ) (Filed July 11, 1974)  
 utility warehouse properties at Robbins, )  
 California, and of PACIFIC INTERNATIONAL )  
 RICE MILLS, INC., for authorization to )  
 encumber public utility property. )

FIRST SUPPLEMENTAL OPINION

By Decision No. 83091, dated July 2, 1974, in the above-entitled matter, the Commission authorized (1) Phillip R. Collins and George T. Story to sell and transfer their public utility warehouseman operating authority and property to Pacific International Rice Mills, Inc., and (2) the transferee to issue a Deed of Trust to secure a \$500,000 note of its nonutility parent corporation, Pacific International Foods Co.

The order in Decision No. 83091 treats the proceeding as a financing matter by requiring the transferee to file a General Order No. 24-B report, and by requiring it to pay the \$1,000 fee prescribed by Section 1904(b) of the Public Utilities Code for authorizing a \$500,000 evidence of indebtedness.

Counsel for applicants paid said \$1,000 fee under protest. The present petition requests that the fee be refunded to the transferee.

After consideration we find that (1) under the Public Utilities Act a Deed of Trust constitutes an encumbering document as distinguished from an evidence of indebtedness, (2) a note of a nonutility parent of a public utility is not an evidence of indebtedness subject to the fee prescribed by Section 1904(b) of the Public Utilities Code, and (3) the Commission erroneously charged and collected a \$1,000 fee on an authorization for Pacific International Rice Mills, Inc. to issue a Deed of Trust securing a \$500,000 note of its nonutility parent corporation.

On the basis of the foregoing findings we conclude that the petition should be granted. A public hearing is not necessary.

FIRST SUPPLEMENTAL ORDER

IT IS ORDERED that:

1. Paragraph 3 (requiring the filing of a General Order No. 24-B report) of the order in Decision No. 83091 is hereby rescinded.

2. The last paragraph of the order portion of Decision No. 83091 is hereby amended to read as follows:

The effective date of this order is July 2, 1974.

3. The Secretary of this Commission is hereby directed to take appropriate steps to refund to Pacific International Rice Mills, Inc. the \$1,000 fee erroneously required by Decision No. 83091.

4. The effective date of this order is the date hereof.

Dated at San Francisco, California, this 30<sup>th</sup> day  
of JULY, 1974.

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

*Vernon L. Sturgeon*  
President  
*William G. Quinn Jr.*

*Harold A. ...*  
*...*

Commissioners