

DM

Decision No. 13670.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
HUGH GOODFELLOW, WARREN OLNEY and  
W.I. BROECK, as Trustees, and KEY  
SYSTEM TRANSIT COMPANY, a corporation,  
EAST OAKLAND RAILWAY COMPANY, a cor-  
poration, OAKLAND AND HAYWARDS RAIL-  
WAY COMPANY, a corporation, and KEY  
SYSTEM SECURITIES COMPANY, a corpora-  
tion, to transfer and acquire the  
property formerly belonging to San  
Francisco-Oakland Terminal Railways,  
a corporation, and to issue securities.)

ORIGINAL

Application Number 9367

BY THE COMMISSION:

FIFTH SUPPLEMENTAL ORDER

The Railroad Commission by Decision Number 12931, dated December 14, 1923, authorized the Oakland and Haywards Railway Company to issue \$236,000.00 of 15-year first mortgage six percent bonds subject, among others, to the condition that none of the bonds be issued until the Commission by a supplemental order has authorized the company to execute a mortgage or deed of trust to secure the payment of such bonds. On May 14th there was filed in the above entitled matter a supplemental petition in which the Commission is asked to make an order authorizing the Oakland and Haywards Railway Company to execute a mortgage or deed of trust substantially in the same form as that filed on said date with the Commission. The proposed mortgage or deed of trust has been considered by the Commission. The same is in satisfactory form.

IT IS HEREBY ORDERED that the Oakland and Haywards Railway Company be, and it is hereby, authorized to execute a mortgage or deed of trust substantially in the same form as the mortgage or

deed of trust filed with this Commission on May 14, 1924, for the purpose of securing the payment of \$236,000.00 first mortgage six percent. bonds due July 1, 1938, provided that the authority herein granted to execute a mortgage or deed of trust is for the purpose of this proceeding only and is granted in so far as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of such mortgage or deed of trust as to such other legal requirements to which said mortgage or deed of trust may be subject; provided further, that Oakland and Haywards Railway Company shall file with the Commission a certified copy of said mortgage or deed of trust as soon as said mortgage or deed of trust is executed.

IT IS HEREBY FURTHER ORDERED that the Order in Decision Number 12931, dated December 14, 1923, as amended, shall remain in full force and effect, except as modified by this Fifth Supplemental Order.

DATED at San Francisco, California, this 28<sup>th</sup> day of May, 1924.

C. Healey  
H. B. Bunnell  
E. Gertrude Shore

Commissioners.