Decision No. 16290

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of THE ATCHISON TOPENA AND SANTA FE RAILWAY COMPANY for approval and authorization of the acquisition of control by applicant of Fresno Interurban Railway Company under a lease of the line of railroad of said company and by purchase of the capital stock of said company.

ORIGINAL

Application No. 12559

In the Matter of the Application of FRESNO INTERURBAN RAILWAY COMPANY for permission to sell its capital stock to The Atchison Topeka and Santa Fe Railway Company and to lease its line of railroad to said company.

) Application No. 12649

Platt Kent, for The Atchison, Topeka and Santa Fe Railway Company; Sanborn and Roehl & Delancey C.Smith, by H.S.Sanborn, for Fresno Interurban Railway Company.

BY THE COLORISSION:

OPINION

Fresho Interurban Railway Company asks permission to lease its properties to The Atchison Topeks and Santa Fe Railway Company, pursuant to the terms and conditions of the lease filed in Application No. 12559 and marked "Exhibit A". In Application No. 12649 The Atchison, Topeka and Santa Fe Railway Company also asks permission to acquire the outstanding capital stock of the Fresho Interurban Railway Company.

The Freezo Interurban Railway Company was organized in 1914 under and by virtue of the laws of the State of California.

As of December 31, 1925 the company reports outstanding \$35,000. of capital stock and current liabilities of \$551,373.15 consisting of the following:-

The matured funded debt is represented by six percent bonds which were due and payable September 1, 1924. All of these bonds are held by present stockholders of the company who have not insisted upon their payment. The outstanding stock of the company is at present owned by the Santa Fo Land and Improvement Company. It is proposed that the outstanding stock of the Fresno Interurban Railway Company be acquired by The Atchison. Topeka and Santa Fe Railway Company at the amount which the Santa Fe Land and Improvement Company has paid for such stock.

The 1925 annual report of the Fresno Interurban Reilway Company shows that its line of railroad extends from Fresno to Sanger Road, a distance of 13.14 miles; from Sanger Road to Belmont Avenue near Centerville, a distance of 4.41 miles. During 1925 the operating revenues of the company are reported at \$86,566.67, of Which \$85,998.79 was obtained from the transportation of freight. The company during 1925 did not engage in the transportation of passengers. The company's operating expenses are reported at \$67,964.10, leaving not revenue from railway operation of \$18,602.57.

As of December 31,1925, the Santa Fe Land and Improvement Company had advanced to the Fresno Interurban Railway Company \$205,474.50, while The Atchison, Topoka and Santa Fe Railway Company had advanced \$99,043.07 for construction purposes. It is of record that if The Atchison Topoka and Santa Fe Railway Company is permitted to lease the properties of the Fresno Interurban Railway and acquire the outstanding stock, that such company will advance

additional sums to enable the Fresno Interurban Railway Company to extend its line of railway to Minkler and there connect with the line of the Minkler Southern Railway Company, a subsidiary of The Atchison Topeka and Santa Fe Railway Company.

The testimony shows that during the past several years Fresno Interurban Railway Company depended largely upon The Atchison Topeka and Santa Fe Railway Company for its car supply. We are of the opinion that the leasing of the properties and the acquisition of the stock of the Fresno Interurban Railway Company by The Atchison Topeka and Santa Fe Railway Company is in the public interest and believe that these applications should be granted.

ORDER

Fresho Interurban Railway Company having applied to the Railroad Commission for permission to lease its properties to The Atchison Topeka and Santa Fe Railway Company, and The Atchison Topeka and Santa Fe Railway Company having asked permission to acquire the outstanding stock of the Fresho Interurban Railway Company, a public hearing having been held before Examiner Fankhauser and the Railroad Commission having considered the testimony submitted in support of the applications, and being of the opinion that such applications should be granted,

IT IS HEREBY ORDERED that the Fresno Interurban Railway Company and The Atchison Topeka and Santa Fe Railway Company be, and they are hereby, authorized to execute on or before November 1, 1926 a lease substantially in the same form as the lease filed in Application No. 12559 as Applicants' Exhibit "A".

IT IS HEREBY/ORDERED that The Atchison Topoka and Santa Fo Railway Company be, and it is hereby, authorized to acquire on or before Movember 1. 1926, and hold, the outstanding stock of the Fresno Interurban Railway Company.

IT IS HEREBY FURTHER ORDERED that the Fresno Interurban Railway Company shall file within thirty days after its execution a certified copy of the lease herein authorized to be executed, and that The Atchison Topeka and Santa Fe Railway Company shall file within thirty days after acquiring the stock of Fresno Interurban Railway Company, a report showing how much it has paid for such stock.

DATED at San Francisco, California, this ______day of Merch. 1926.

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Commissioners.