

LRA

Decision No. 19580

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of the)
PENINSULA RAPID TRANSIT COMPANY,)
a California corporation, for authority)
to renew mortgage loan on real property.)

Application No. 14481.

J. E. McCurdy, for applicant.

BY THE COMMISSION:

O P I N I O N

In this application, as amended, Peninsula Rapid Transit Company asks for an order authorizing it to execute two deeds of trust on real property and to issue two one year six percent notes; one for \$16,000.00 and one for \$9,000.00, for the purpose of renewing outstanding indebtedness.

Peninsula Rapid Transit Company is engaged in operating auto stages for the transportation of passengers between San Francisco and San Jose. It reports that heretofore in connection with its business it purchased two parcels of real property located in the City of Burlingame and executed in purchasing such properties and in constructing improvements thereon, two deeds of trust to secure the payment of a one year six percent note for \$16,000.00 and a one year six percent note for \$9,000.00. The

deed of trust securing the \$16,000.00 note is a lien on property 128 x 140 feet in dimension upon which, during 1917, there was erected a one story reinforced concrete building used for office, machine shop and terminal purposes and the deed of trust securing the \$9,000.00 note is a lien on property 50 x 128 feet in dimension and improvements consisting of a one story reinforced concrete building, erected in 1922, which is used for shop purposes.

It appears that both notes were renewed from time to time, the last renewal of the \$16,000.00 note being made on September 26, 1927 and of the \$9,000.00 note on October 21, 1926. These renewal notes were not authorized by the Commission, but it appears that the failure of applicant to obtain such authorization was through inadvertence and with no intent to evade the provisions of the Public Utilities Act and the Auto Stage and Truck Transportation Act. When the necessity of obtaining such authorization was called to applicant's attention, it immediately filed this present petition.

ORDER

Peninsula Rapid Transit Company having applied to the Railroad Commission for authority to execute deeds of trust and to issue notes, a public hearing having been held before Examiner Fankhauser, and the Railroad Commission being of the opinion that the money, property or labor to be procured or paid for through such issue is reasonably required for the purpose specified herein, which purpose is not in whole or in part reasonably chargeable to operating expense or to income;

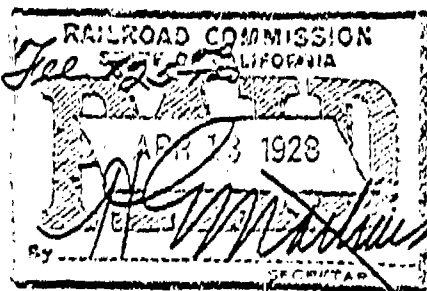
IT IS HEREBY ORDERED that Peninsula Rapid Transit Company be, and it hereby is, authorized to execute a deed of trust substantially in the same form as that attached to the original petition herein, and also a deed of trust substantially in the same form as that attached to the amended petition herein, and to issue its one year six percent notes secured thereby in the principal amounts of \$16,000.00 and \$9,000.00, respectively, for the purpose of renewing outstanding indebtedness of like amount.

The authority herein granted is subject to the following conditions:-

1. The authority herein granted to execute deeds of trust is for the purpose of this proceeding only and is granted only insofar as this Commission has jurisdiction under the terms of the Public Utilities Act, and it not intended as an approval of said deeds of trust as to such other legal requirements to which said deeds of trust may be subject.
2. Applicant shall keep such record of the issue of the notes herein authorized as will enable it to file, within thirty (30) days thereafter, a verified report, as required by the Railroad Commission's General Order No. 24, which order, insofar as applicable, is made a part of this order.
3. The authority herein granted will become effective when applicant has paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which fee is Twenty-five (\$25.00) Dollars.

DATED at San Francisco, California, this 10th

day of April, 1928.



25297 3.

Leon C. Whitehall
Ch. J. ...
Francis ...
Commissioners.