

LRA

Decision No. 20073

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)

W. J. ALBACH

to issue a note.

Application No. 14863.

BY THE COMMISSION:

ORDER

ORIGINAL

W. J. Albach has applied to the Railroad Commission for an order authorizing the execution of a mortgage and the issue of a promissory note.

The application shows that W. J. Albach is engaged in the operation of vessels for the transportation of freight on the Bay of San Francisco and its tributaries, operating the freighters "Express" and "Belvedere". He reports that prior to 1927 he had invested about \$9,000.00 in his equipment and that during 1927 he expended approximately \$7,295.50 for improvements consisting of an 80 horsepower marine diesel engine and accessories for the "Belvedere". It appears that in order to provide a portion of the cost he executed a mortgage on the "Belvedere" and issued a three year six percent note for \$6,500.00 secured thereby.

Applicant did not obtain permission from this Commission to execute the mortgage and note, but it clearly appears that his failure to do so was through inadvertance and with no intent to evade the provisions of the Public Utilities Act. When the necessity of obtaining such permission was called to his attention, he forthwith filed this application. The Commission is of the

opinion that the application should be granted and that the money, property or labor procured or paid for through the execution of the mortgage and note 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, therefore,

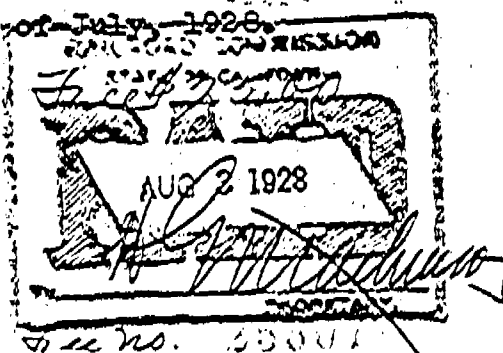
IT IS HEREBY ORDERED that W. J. Albach be, and he hereby is authorized to execute a mortgage substantially in the same form as that filed with the application herein and to issue a note, secured thereby, in the principal amount of not exceeding \$6,500.00, payable on or before three years after date of issue with interest at not exceeding six percent per annum for the purpose of financing in part the improvements referred to herein.

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

1. The authority herein granted to execute a mortgage is for the purpose of this proceeding only and is granted only insofar as the Commission has jurisdiction under the Public Utilities Act, and is not intended as an approval of said mortgage as to such other legal requirements to which said mortgage may be subject.
2. 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 30th

day of July, 1928.



Leon A. White
Chairman
Commissioners.

2. M. J. Cass
Commissioners.