

DECISION NO. 21044

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
FONTANA DOMESTIC WATER COMPANY,)
a corporation, for (a) a certifi-)
cate of public convenience and)
necessity and (b) an order authori-)
zing the issue of first mortgage)
six percent sinking fund bonds.)

Application No. 15278.

ORIGINAL

BY THE COMMISSION:

FIRST SUPPLEMENTAL OPINION AND ORDER

The Railroad Commission, by Decision No. 20918, dated March 29, 1929, in the above entitled matter, authorized Fontana Domestic Water Company, among other things, to issue and sell \$200,000.00 of first mortgage six per cent bonds, due January 1, 1954 for the purpose of paying outstanding indebtedness and of reimbursing its treasury. The order of the Commission contained, among others, the following condition:

- "3. The authority herein granted to issue bonds will become effective when applicant has paid the fee prescribed by Section 57 of the Public Utilities Act, which fee is two hundred (\$200.00) dollars, and when the Commission by supplemental order has authorized the execution of a trust indenture to secure the payment of said bonds."

The fee prescribed by the Commission has been paid. On April 22, 1929 the Commission received from applicant's counsel a letter dated April 19, 1922 inclosing certain corrections to be made in the trust indenture originally filed with its application.

The Commission has examined the trust indenture as now modified by the corrections filed on April 22, 1929 and finds it to be in satisfactory form with the exception of paragraph 2 of Section 1, of Article VI, on page 45, which provides in the event of the release of trust property, that there be delivered to the trustee a certificate concerning such release of property by an engineer or appraiser who shall be satisfactory to the trustee and to First Securities Company, and Section 7 of Article X on page 77, which relates to the procedure for changing tenor of deed of trust. We believe that the form of indenture should be modified by eliminating the reference to First Securities Company and that there should be added to Section 7 of Article X a provision to the effect that nothing in said section shall be construed to permit, directly or indirectly, any change of the date or dates for the payment of the principal and/or interest on any of the bonds secured by said deed of trust and then outstanding, as such dates are or may be provided by said bonds or the coupons appertaining thereto. With these further changes we will authorize the execution of the trust indenture.

The order of the Commission provided for the issue of bonds due January 1, 1954. We now are advised that it is planned to change the maturity date to April 1, 1954 and will modify our original order accordingly, therefore

IT IS HEREBY ORDERED that the order in Decision No. 20918, dated March 29, 1929, be, and it hereby is, modified so as to permit Fontana Domestic Water Company to issue \$200,000.00 of first mortgage six percent bonds due April 1, 1954 in lieu of bonds due January 1, 1954.

IT IS HEREBY FURTHER ORDERED that Fontana Domestic Water Company be, and it hereby is, authorized to execute a trust indenture substantially in the same form as that filed with the original petition herein on December 17, 1928 as modified by the corrections filed on April 22, 1929 and as indicated in this order.

IT IS HEREBY FURTHER ORDERED that the authority herein granted 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 is not intended as an approval of said trust indenture as to such other legal requirements to which said trust indenture may be subject; and that applicant file with the Commission within thirty (30) days after the execution of the aforesaid trust indenture two certified copies thereof.

IT IS HEREBY FURTHER ORDERED that the order in
Decision No. 20918, dated March 29, 1929 shall remain in full
force and effect, except as modified herein.

DATED at San Francisco, California, this 4th
day of May, 1929.

John G. Lott

C. Seaver

M. J. Carr
Commissioners.