

Decision No. 25577

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SANTA CLARA VALLEY PUBLIC SERVICE
COMPANY, a corporation, for (1) order
authorizing issue of stocks and bonds;
(2) order authorizing mortgage of cer-
tain public utility property; (3) cer-
tificate of public convenience and
necessity; (4) order authorizing in-
crease in rates; and (5) jointly with
Fred C. Ehman, R. C. Leib, Frank A.
Leib, Lida Leib Armstrong, Elna Leib
Wright, Joseph Bacciocco and R. H.
Brotherton respectively, for order
authorizing sale and purchase of cer-
tain properties.

Application No. 17005

BY THE COMMISSION:

FIFTE SUPPLEMENTAL ORDER

The Commission by Decision No. 25560 dated January 16, 1932, authorized Suburban Water Company, formerly known as Santa Clara Valley Public Service Company, to issue on or before March 31, 1933, 4,000 shares of no par common capital stock and \$172,000. of six percent 20-year first mortgage bonds subject among others to the condition that all of the properties described in Decision No. 24832 dated June 6, 1932 and in applicant's "Revised Program" in Exhibit "A" attached to the supplemental petition filed on January 9th, be transferred to applicant; and provided further, that said properties be transferred free and clear of all liens and encumbrances.

On January 20th applicant filed a supplemental petition asking that the Commission's Decision No. 25560 dated January 16, 1933, be modified in such a manner as will permit applicant to issue \$122,000.00 of said bonds as soon as applicant has received title to the real property described in Exhibit I attached to the supple-

described in Group IV of said Exhibit "I", subject only, as to all of said parcels of real property, to the liens, encumbrances and exceptions specifically set forth in said exhibit "I"; and provided further, that \$50,000.00 principal amount of said bonds shall not be issued until Suburban Water Company has filed with this Commission:

(1) A statement under the oath of one of its officers to the effect that all of the said existing properties and substantially all of the additions and betterments described in applicant's "Revised Program", as set forth in said Exhibit "A", have been transferred to it or acquired by it;

(2) A further statement under the oath of one of its officers to the effect that (a) as to the parcels of real property described in said Exhibit "I", title appears by policies of title insurance issued by California Pacific Title & Trust Company to be vested in applicant, save only for the liens, encumbrances and exceptions specifically set forth in said Exhibit "I"; and (b) as to the personal property included in applicant's "Revised Program", applicant has received possession thereof, together with a "Personal Property Encumbrance Report" of California Pacific Title & Trust Company to the effect that an examination of the official records of Santa Clara County with reference to encumbrances upon personal property does not disclose any encumbrance thereon, and an affidavit of Fred C. Ehman to the effect that, according to his knowledge and belief, there was, at the time that possession of said respective items of personal property was transferred to applicant, no lien, encumbrance or indebtedness existing thereon, except only taxes or assessments not delinquent.

IT IS HEREBY FURTHER ORDERED, that the order in said decision No. 24832 dated June 6, 1932, as amended, and said Decision No. 25342

mental petition filed on January 20th and to the existing properties described in said Decision No. 24832, and that it be permitted to issue the remaining \$50,000.00 of bonds as soon as applicant has filed the statements referred to in this order.

The Commission has considered applicant's request and believes it should be granted subject to the provisions of this Fifth Supplemental Order, therefore,

IT IS HEREBY ORDERED, that paragraph six(6) of the order in Decision No. 24832, dated June 6, 1932, be, and the same is hereby modified to authorize Suburban Water Company, on or prior to April 30, 1933, to issue and sell at not less than 85 percent of their face value and accrued interest, \$172,000.00 of six percent 20-year bonds and issue 4,000 shares of its no par common capital stock and use the proceeds to acquire the existing properties described in said Decision No. 24832, and to install and construct the additions and betterments described in applicant's "Revised Program" in Exhibit "A" attached to the supplemental application filed herein on January 9th; or (a) to issue and deliver \$35,000.00 of said bonds at not less than 85 percent of their face value and accrued interest and 4,000 shares of applicant's no par common stock in exchange for said existing properties; and (b) from time to time to issue and deliver not more than \$137,000.00 principal amount of said bonds at not less than 85 percent of their face value and accrued interest in payment for additions and betterments described in applicant's "Revised Program" in said Exhibit "A"; provided, however, that none of said bonds may be issued unless and until applicant has acquired, or acquires concurrently with the delivery of any of said bonds, the existing properties described in said Decision No. 24832, including the parcels of real property described in Groups I, II and III of Exhibit "I" attached to the supplemental application filed herein on January 20, 1933, and also the parcels of real property

dated November 7, 1932, as amended by Decision No. 25560 dated
January 16, 1933, shall remain in full force and effect, except
as modified by this Fifth Supplemental Order.

DATED at San Francisco, California, this 23^d day
of January, 1933.

C. C. [Signature]
[Signature]
M. A. [Signature]
M. B. [Signature]
[Signature]
Commissioners.