

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

Decision No. 3200

ORIGINAL

In the matter of the application of)
the MINKLER SOUTHERN RAILWAY)
COMPANY, a corporation, and THE)
ATCHISON, TOPEKA AND SANTA FE RAILWAY)
COMPANY, a corporation, for an order)
authorizing the former to lease to the)
latter its line of railway.)
.....)

Application No. 1429.

By the Commission,

O P I N I O N.

This application was filed with the Commission on November 26, 1914. It was accompanied by no valuation or statement of cost. The construction books of the company have not yet been closed but the Commission is now in receipt of a statement showing the actual cost of the Minkler Southern Railway, in accordance with that company's books, to February 1, 1916, to be \$1,541,848.90.

The Minkler Southern Railway Company, as set forth in the application, was incorporated by The Atchison, Topeka and Santa Fe Railway Company with the intention of making the former line of railway a part of the Santa Fe System. The cost of the Minkler Southern line has been borne entirely by the Santa Fe. The lessee is to pay rental under the terms of the lease, a copy of which is attached to the application, on the following basis:

All charges and expenses of every kind, including all interest which may, during the remainder of the term hereof, become due and payable by the lessor.

All taxes, assessments and governmental charges which during said term shall accrue or become due upon the demised premises, or any part thereof, under any law of the United States or of any state, city or township therein, or of any other lawful authority.

All rentals and other sums which the Lessor shall become liable to pay during said term under any lease or agreement existing on October 1, 1914, relating to the use of any facility or appurtenance of the demised railroad, or under any lease or agreement which, during said term, may be made by the Lessor with the written consent of the Lessee.

All expenses necessarily incurred by the Lessor for the purpose of maintaining and perpetuating its organization.

The lease can be terminated upon thirty days notice by either party.

No valuation of the property of the Minkler Southern Railway Company has been made by the Commission and the cost statement filed by applicant has not been checked, but there seems to be no reason why this application should not be granted.

O R D E R.

IT IS HEREBY ORDERED, That the application of Minkler Southern Railway Company and The Atchison, Topeka and Santa Fe Railway Company, asking permission for the former to lease to the latter its line of railway, in accordance with certain agreements dated October 1, 1914, and July 1, 1915, be and the same is hereby granted.

Dated at San Francisco, California, this 28th day of March, 1916.

Max Thelen

W. B. Ireland

W. G. Gordon

Frank R. Dehn

Commissioners.