

Decision No. _____

ORIGINAL

Decision No. 38223

BEFORE THE RAILROAD COMMISSION OF THE
STATE OF CALIFORNIA.

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In the Matter of the Application of FRESNO INTERURBAN RAILWAY COMPANY, a corporation, for an order author- izing the issue of stocks and bonds.))))	<u>Application</u> <u>No. 1084.</u>
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BY THE COMMISSION.

EIGHTE SUPPLEMENTAL ORDER.

WHEREAS this Commission by Decision No. 3524, dated July 20, 1916, authorized Fresno Interurban Railway Company to execute a mortgage and deed of trust securing the payment of \$1,200,000 face value of 6 per cent. bonds payable January 1, 1942; and

WHEREAS applicant herein requests this Commission to vacate and set aside said Decision No. 3524, dated July 20, 1916; and

WHEREAS applicant herein requests authority to execute to Mercantile Trust Company of San Francisco a mortgage and deed of trust substantially in the form as the copy filed October 18, 1916, marked Exhibit "K-1" and attached to the supplemental application filed October 5, 1916; and

WHEREAS the mortgage and deed of trust which applicant herein desires to execute in lieu of the mortgage and deed of trust which this Commission heretofore authorized to be executed secures the payment of \$500,000. of 6 per cent.

25-year bonds payable November 1, 1941; and

WHEREAS said mortgage and deed of trust further provides that 450 of said bonds shall be of the denomination of \$1,000. and 100 of said bonds shall be of the denomination of \$500.; that all or any part of the bonds may be redeemed on and after November 1, 1926 at par plus accrued interest; that on or before October 1, 1926 and annually thereafter the company shall pay to the trustee, the Mercantile Trust Company of San Francisco, for the purposes of a sinking fund an amount not less than two per cent. of the face value of the bonds outstanding, such payments to be used to redeem bonds of this issue; that subject to the control of the holders of a majority in amount of the bonds outstanding the holders of one-fourth in amount of the bonds outstanding may declare the principal of the bonds due and payable in the event the company fails to pay the interest or the sinking fund installments within three months after the same become due and payable,

And Good Cause Appearing,

IT IS HEREBY ORDERED that Decision No. 3524, dated July 20, 1916, be and the same is hereby vacated and set aside.

IT IS HEREBY FURTHER ORDERED that Fresno Interurban Railway Company be given authority, and it is hereby given authority, to execute a mortgage and deed of trust in substantially the same form and tenor as the mortgage and deed of trust filed with this Commission October 18, 1916, marked Exhibit "K-1" and attached to the supplemental application herein filed October 5, 1916; provided that the approval herein given of said mortgage and deed of trust is for the purpose of this proceeding only and an approval in so far as the Commission has jurisdiction under the terms of the Public Utilities Act, and is not

intended as an approval of said mortgage and deed of trust as to such other legal requirements to which said mortgage and deed of trust may be subject; and provided further that the approval herein given of said mortgage and deed of trust shall not be construed as an authorization to issue any of the bonds to be secured by said mortgage and deed of trust.

Dated at San Francisco, California, this 26th day of October, 1916.

Max Thelen

Alfred H. ...

Chas. Gordon

Edwin O. Edgerton

Francis R. ...

Commissioners.