

MM

Decision No. 6173

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

In the Matter of the Application of
DEATH VALLEY RAILROAD COMPANY for
an order authorizing the issue and
sale of certain stock. }

Application Number 2073.

BY THE COMMISSION.

THIRD SUPPLEMENTAL ORDER

WHEREAS, the Railroad Commission on February 14, 1916 by Decision Number 3099 (Vol. 9, Opinions and Orders of the Railroad Commission of California, page 196) authorized applicant to sell at par 239 shares of its capital stock at the par value of \$100.00 per share for the purpose of retiring on March 1, 1916, 50 of its outstanding bonds of the face value of 100 pounds sterling each, as provided for in applicant's deed of trust securing the payment of said bonds; and

WHEREAS, the following statement appears in the Commission's decision of February 14, 1916:

"Applicant has asked for an order giving it authority to issue and sell in the future additional shares of its capital stock to take care of sinking fund payments as above set forth, as such payments become due. We cannot at this time grant such an order; but supplemental orders may be issued hereunder, granting applicant permission, from time to time, to sell its stock for the above mentioned purpose without necessitating the filing of a new formal application or the holding of a formal hearing every year."

and

WHEREAS, in accordance with the Commission's suggestion, applicant on February 10, 1919, made a written request to the Railroad Commission for authority to sell 389 shares of its capital stock at par for the purpose of retiring 80 of its outstanding bonds of the face value of 100 pounds sterling each; which according to the provisions in applicant's deed of trust above referred to must be retired by March 1, 1919; and

WHEREAS, it will require \$38,960.00 to retire said 80 bonds on the basis of \$4.87 for each pound sterling and there is in the sinking fund \$60.00, which together with the proceeds from the sale of said stock herein authorized, would make a total available sum of \$38,960.00;

IT IS HEREBY ORDERED that DEATH VALLEY RAILROAD COMPANY be, and it is hereby, granted authority to sell 389 shares of its capital stock at the par value of \$100.00 per share upon the following conditions and not otherwise:-

1.-The stock herein authorized to be issued shall be sold at not less than par to Borax Consolidated Limited.

2.-The proceeds derived from the sale of said stock in conjunction with the \$60.00 now in said sinking fund above referred to shall be used to retire 80 of applicant's outstanding bonds of the par value of 100 pounds sterling, as provided in the deed of trust securing the payment of said bonds.

3.-Death Valley Railroad Company shall keep separate, true and accurate accounts showing the receipt and application in detail of the proceeds of the sale of the stock herein authorized to be issued, and on or before the

twenty-fifth day of each month applicant shall make verified reports to the Railroad Commission, all in accordance with the Commission's General Order Number 24, which order, in so far as applicable, is made a part of this Order.

4.-The authority herein granted shall apply only to such stock as shall have been issued on or before July 1, 1919.

5.-All of the provisions of the order of the Commission in Decision Number 3099, dated February 14, 1916, as amended, shall remain in full force and effect, except as modified by this Third Supplemental Order.

Dated at San Francisco, California, this 13th day of February, 1919.

Erwin O. Edgerton

H. D. Howard

Frank P. Debnis

R. M. Brundage

Dwight Martin

Commissioners.