

Decision No. 7030

ORIGINAL

BEFORE THE RAILROAD COMMISSION OF THE
STATE OF CALIFORNIA.

In the Matter of the Application of)
EMPIRE TELEPHONE COMPANY, a corpora-)
tion, and THE PACIFIC TELEPHONE AND)
TELEGRAPH COMPANY, for an order au-)
thorizing EMPIRE TELEPHONE COMPANY)
to sell to THE PACIFIC TELEPHONE AND)
TELEGRAPH COMPANY all of its telephone)
property in and adjacent to Empire,)
Stanislaus County, California, and)
THE PACIFIC TELEPHONE AND TELEGRAPH)
COMPANY to purchase and acquire same.)

APPLICATION NO. 5095

Martin, Commissioner.

SECOND SUPPLEMENTAL ORDER

WHEREAS, the Railroad Commission in Decision No. 6896,
dated November 28, 1919, authorized Empire Telephone Company to
sell its properties to The Pacific Telephone and Telegraph Company,
subject among others, to the condition that no transfer shall be
made until said Empire Telephone Company had filed with the Com-
mission a supplemental application asking authority to issue stock
and notes in lieu of stock and notes unlawfully issued, nor until
the Commission had authorized the issue of such stock and notes :
and

WHEREAS, a supplemental application has been filed and
authority asked to issue thirty-nine shares of stock and a \$2,000
note, a public hearing having been held, and it appearing that
the stock and notes heretofore issued, were issued inadvertently
and without any intent to evade the terms of the Public Utilities
Act, and that all moneys obtained through the issue of such stock
and notes were used to pay for the construction of the telephone

system described in Decision No. 6896 dated November 28, 1919, and that the supplemental application should be granted:

NOW THEREFORE, it is hereby ordered that EMPIRE TELEPHONE COMPANY be, and it is hereby, authorized to issue 39 shares of its stock to the parties named in the supplemental application, and a \$2,000 note to the California National Bank of Modesto in lieu of 39 shares of stock and a \$2,000 note heretofore issued without an order from the Railroad Commission.

IT IS HEREBY FURTHER ORDERED that upon the consummation of the transfer of the properties authorized in Decision No. 6896 dated November 28, 1919, the proceeds realized from the sale of such property may be distributed in accordance with the terms and provisions of the supplemental application filed herein on January 9, 1920.

IT IS HEREBY FURTHER ORDERED that the order in Decision No. 6896 dated November 28, 1919 shall remain in full force and effect except as modified by this second supplemental order.

The foregoing Second Supplemental Order is hereby approved and ordered filed as the Second Supplemental Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 13th day of

January, 1920.

Edwin O. Edgerton

J. H. Boardman

Dwight Martin
Commissioners.

