

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the matter of the application	:	
of PACIFIC GAS AND ELECTRIC COM-	:	
PANY, a corporation, for an order	:	
altering and amending its orders	:	Application No. 675.
heretofore made on Applications	:	
Nos. 552 and 603.	:	

BY THE COMMISSION.

ORDER ON SUPPLEMENTAL APPLICATION.

WHEREAS, Pacific Gas and Electric Company has filed a supplemental application in the above entitled proceeding requesting that this Commission amend its order heretofore rendered in the above entitled proceeding on August 11, 1913 in the respects hereinafter set forth; and

WHEREAS, it appears that, by reason of Section 58 of Chapter 104 of the Laws of 1913, approved May 9, 1913, known as the "Bank Act", doubts have arisen with reference to the powers of the trustees under general lien mortgage dated July 1, 1913 from Pacific Gas and Electric Company to Guaranty Trust Company of New York and William C. Cox, trustees; and,

WHEREAS, the alterations hereinafter authorized to be made in applicant's said general lien mortgage seem necessary in order to remove said doubts;

IT IS HEREBY ORDERED: That this Commission's said Order, dated August 11, 1913, in the above entitled proceeding, be and the same is hereby amended so as to authorize said Pacific Gas and Electric Company to execute to Guaranty Trust Company of New York and William C. Cox, as trustees, its general lien mortgage substantially in the form of a copy of said general lien mortgage which has been filed in connection with this application and marked "Exhibit 5, as amended, and referred to in Supplemental

Order in Application No. 676, dated August 16, 1913", the respects in which said general lien mortgage as so filed differs from general lien mortgage heretofore filed as Exhibit 5 in this proceeding being as follows:-

First: Add to Article One a new section, numbered Section 8, in the words and figures following, to-wit:-

"Section 8. Anything herein contained to the contrary notwithstanding it is hereby agreed that if at any time the Pacific Company shall execute any General Lien Bonds and shall deliver the same to the individual trustee with a written request that a specified amount of such bonds be authenticated and delivered by the individual trustee instead of by the corporate trustee and the Pacific Company shall have delivered to the individual trustee all of the resolutions, certificates reports and other instruments which it is herein provided or which under any of the provisions hereof are required to be furnished to the corporate trustee prior to the authentication and delivery of such amount of bonds, and all of the other conditions, which it is provided under any of the provisions hereof shall be fulfilled prior to such authentication and delivery, shall have been fulfilled, strictly as provided herein, then the individual trustee shall authenticate and deliver to the Pacific Company, or on its order, the amount of General Lien Bonds so called for. All bonds so authenticated and delivered by the individual trustee shall be secured by this indenture and entitled to all the liens, rights and benefits hereunder. In case of any such authentication by the individual trustee the form of any bond so authenticated may be varied from the form hereinbefore set forth to the extent that said bond may state that it shall not be valid or become obligatory for any purpose unless authenticated by the certificate thereon endorsed of the individual trustee under this indenture, and in the form of authentication, appearing on such bond, an appropriate variation shall be made from the form hereinbefore set forth and in such case the authentication by the individual trustee upon any such bond shall be conclusive evidence and the only evidence that the bond so authenticated has been duly issued hereunder and that the holder is entitled to the benefit of the trust hereby created anything herein to the contrary notwithstanding."

Second: Strike out the last paragraph on page 145 including first three lines on page 146.

Third: Insert the following two paragraphs at the end of Section 3 on page 146:

"In case at any time the Pacific Company shall state in writing to the corporate trustee that it is advised that the exercise by the corporate trustee of any power conferred by the terms hereof or the performance by the corporate trustee of any act under this indenture would be unlawful under the laws of any jurisdiction, and shall request that such power be exercised or such act be performed by the individual trustee, and the corporate trustee shall consent thereto, the individual trustee may and he is hereby authorized to execute such power and perform such act with the same force and effect as if exercised and performed by the corporate trustee.

All of the provisions of this indenture with respect to the liability or responsibility of the corporate trustee in authenticating bonds or exercising or refraining from exercising any power or performing or refusing to perform any act under this indenture shall be deemed to refer to and include the liability and responsibility of the individual trustee in authenticating bonds or exercising or failing to exercise any power or performing or refusing to perform any act hereunder."

Dated at San Francisco, California, this 16th
day of August, 1913.

H. S. Loveland
W. E. Gordon
Max Thelen

Commissioners.