

ORIGINAL

Decision No. 9381

BEFORE THE RAILROAD COMMISSION OF THE
STATE OF CALIFORNIA

In the Matter of the Application of)
THE WESTERN PACIFIC RAILROAD COMPANY,)
of FRANKLIN V. SPOONER, ROBERT R. PARDOW,)
and JOHN C. RUED, and of HENRY E. COOPER,)
A.M. HUNT, JAMES D. PHELAN, GEORGE)
WHITTELL, DAVID R. FORGAN, I. DeBRUYN,)
C. LEDYARD BLAIR, FREDERICK H. ECKER,)
STARR J. MURPHY, ROBERT W. MARTIN,)
WILLIAM SALOMON and RICHARD B. YOUNG,)
as the re-organization committee con-)
stituted by the plan and agreement of)
re-organization of WESTERN PACIFIC RAIL-)
WAY COMPANY, for authorization of pro-)
ceedings pursuant to said plan and)
agreement of re-organization.)

Application
Number
2351.

A.R. Baldwin, Lester J. Hinsdale and Carl Taylor,
by Carl Taylor, for applicant.

LOVELAND, Commissioner.

SECOND SUPPLEMENTAL OPINION

In a supplemental petition filed July 22, 1921 in this proceeding, THE WESTERN PACIFIC RAILROAD COMPANY reports that it has on deposit \$7,087,085.30 obtained from the sale of the \$20,000,000. of bonds, the issue of which was authorized by Decision No. 3453, dated June 22, 1916, as modified from time to time by supplemental orders in this proceeding.

Applicant reports that up to May 31, 1921, it expended for the acquisition of properties and the construction of improvements, the sum of \$4,012,966.44 and that none of these expenditures have been paid through the issue of bonds or stock. The expenditures

are summarized as follows:-

Niles-San Jose Branch,	\$898,423.18
Calpine Branch -from Hawley to Davies Mill,	381,844.88
Bidwell Spur - Bidwell to Bidwell Bar,	27,273.96
Ellesbeck Branch,	17,064.54
Reno Branch,	240,421.76
Improvements -Main line,	912,404.94
Purchase of Equipment -10 locomotives, 400 Gondola and 1500 box cars, part payment,	1,477,475.25
Construction, purchase and improvements to equip- ment,	<u>58,057.93</u>
Total,	\$4,012,966.44

The record shows that applicant estimates that it will have to expend ⁹⁶~~83~~ \$1,607,457.96 more to complete its Niles-San Jose branch from Niles to San Jose; its Calpine branch from Hawley to Davies Mill, and its Bidwell spur from Bidwell to Bidwell Bar. Of this amount,

\$1,351,576.82 is allocated to the Niles-San Jose branch, ⁸~~6~~\$67,155.12 to the Calpine branch and \$187,726.04 to the Bidwell spur. Applicant asks permission to use \$4,012,966.44 of the proceeds obtained from the sale of the \$20,000,000.00 of bonds to reimburse its treasury on account of expenditures incurred prior to May 31, 1921, and also to use not exceeding \$1,607,457.98 of the proceeds from the sale of the bonds to pay the cost of completing the Niles-San Jose branch, the Calpine branch and the Bidwell spur. I have considered applicant's request and believe that it should be granted.

I herewith submit the following form of order.

SIXTH SUPPLEMENTAL ORDER

THE WESTERN PACIFIC RAILROAD COMPANY having asked permission to expend proceeds obtained from the sale of bonds, the issue of which the Commission has heretofore authorized, and the Commission being of the opinion that applicant's request should be granted subject to the conditions of this order:

IT IS HEREBY ORDERED, that the order in Decision No. 3453, dated June 22, 1916, as amended, be, and it is hereby, further

amended so as to permit THE WESTERN PACIFIC RAILROAD COMPANY to use \$4,012,966.44 obtained from the sale of bonds, the issue of which is authorized by said order to finance the construction expenditures incurred on or before May 31, 1921, reported in the supplemental petition filed July 22, 1921 in the above entitled matter, and to reimburse its treasury on account of such expenditures. Said order is further amended so as to permit the company to use not exceeding \$1,607,457.98 obtained from the sale of said bonds to finance the construction costs which have been or will be incurred subsequent to May 31, 1921 to complete the Niles-San Jose branch, the Calpine branch, and the Bidwell spur, referred to in said supplemental petition, and to reimburse its treasury on account of such expenditures.

IT IS HEREBY FURTHER ORDERED, that the order in Decision No. 3453, dated June 22, 1916, as amended, shall remain in full force and effect, except as modified by this Sixth Supplemental Order.

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

DATED at San Francisco, California, this 19th day of August, 1921.

H. B. Anderson
H. S. Loveland
Dwight Maitri
[Signature]
Commissioners.