

Decision No. 28030

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SANTA CLARA VALLEY PUBLIC SERVICE COM-)
PANY (articles of incorporation amended)
and name changed to Suburban Water Com-)
pany), a corporation, for (1) Order)
authorizing issue of stocks and bonds,)
(2) Order authorizing mortgage of cer-)
tain public utility property, (3) Cer-)
tificate of public convenience and)
necessity; (4) Order authorizing in-)
crease in rates, and (5) jointly with)
Fred C. Ehman, R. C. Leib, Frank A.)
Leib, Lida Leib Armstrong, Elna Leib)
Wright, Joseph Bacciocco, and R. H.)
Brotherton, respectively, for Order)
authorizing sale and purchase of certain)
properties.)

Application No. 17005

ORIGINAL

BY THE COMMISSION:

EIGHTE SUPPLEMENTAL ORDER

The Commission by Decision No. 24832 dated June 6, 1932, as amended, authorized Suburban Water Company to issue, subject to the provisions of said decision, \$172,000.00 of bonds and 4,000 shares of stock to acquire and construct the properties referred to in said decision. As applicant proceeded with the construction of the additions and betterments outlined in its revised program, filed on January 9, 1933, it found it advisable and desirable to make some changes in such program. The changes it made are shown in Exhibit "Y" filed in this proceeding on August 31st. Applicant's construction expenditures, as shown in said Exhibit "Y" amounted to \$121,843.00 as compared with an estimated expenditure of \$119,397.00 submitted in the revised program. Applicant does not at this time

ask permission to issue bonds or stock additional to the bonds and stock heretofore authorized. It does ask the Commission to modify its former decision so as to permit it to issue bonds to finance the cost of additions and betterments referred to in said Exhibit "Y". This request, we believe, should be granted, therefore,

IT IS HEREBY ORDERED, that Decision No. 24832 dated June 6, 1932, as amended, be, and the same is hereby further amended to read as follows:

IT IS HEREBY ORDERED, that paragraph six(6) of the order in Decision No. 24832, dated June 6, 1932, be, and the same is hereby modified to authorize Suburban Water Company, on or prior to October 1, 1933, to issue and sell at not less than 85 percent of their face value and accrued interest, \$172,000.00 of six percent 20-year bonds and issue 4,000 shares of its no par common capital stock and use the proceeds to acquire the existing properties described in said decision No. 24832, and to install and construct the additions and betterments described in applicant's program as set forth in Exhibit "Y" attached to the supplemental application filed herein on August 31, 1933; or (a) to issue and deliver \$35,000.00 of said bonds at not less than 85 percent of their face value and accrued interest and 4,000 shares of applicant's no par common stock in exchange for said existing properties; and (b) from time to time to issue and deliver not more than \$137,000.00 principal amount of said bonds at not less than 85 percent of their face value and accrued interest in payment for additions and betterments described in applicant's program as set forth in said Exhibit "Y"; provided, however, that none of said bonds may be issued unless and until applicant has acquired, or acquires

concurrently with the delivery of any of said bonds, the existing properties described in said Decision No. 24932, including the parcels of real property described in Groups I, II and III of Exhibit "I" attached to the supplemental application filed herein on January 20, 1933, and also the parcels of real property described in Group IV of said Exhibit "I", subject only, as to all of said parcels of real property, to the liens, encumbrances and exceptions specifically set forth in said Exhibit "I"; and provided further, that \$50,000.00 principal amount of said bonds shall not be issued until Suburban Water Company has filed with this Commission:

(1) A statement under the oath of one of its officers to the effect that all of the said existing properties and all of the additions and betterments described in applicant's program as set forth in said Exhibit "Y", have been transferred to it or acquired by it;

(2) A further statement under the oath of one of its officers to the effect that (a) as to the parcels of real property described in said Exhibit "I", title appears by policies of title insurance issued by California Pacific Title & Trust Company to be vested in applicant, save only for the liens, encumbrances and exceptions specifically set forth in said Exhibit "I", and in Exhibit "X" attached to the supplemental application filed in this proceeding on August 25, 1933; and (b) as to the personal property included in applicant's program as set forth in Exhibit "Y" attached to the supplemental application filed in this proceeding on August 31, 1933, applicant has received possession thereof,

together with a "Personal Property Encumbrance Report" of California Pacific Title & Trust Company to the effect that an examination of the official records of Santa Clara County with reference to encumbrances upon personal property does not disclose any encumbrance thereon, executed by Fred C. Ehman, Henry Bohling, Jr., Henry Cartan, Jr. R. C. Leib, Joseph Bacciocco or R. H. Brotherton subsequent to January 1, 1922 and prior to August 31, 1933.

IT IS HEREBY FURTHER ORDERED, that the orders in Decision No. 24832 dated June 6, 1932, as amended by Decision No. 25342 dated November 7, 1932, and Decision No. 25560 dated January 16, 1933, and Decision No. 25577 dated January 23, 1933, and by Decision No. 25912 dated May 1, 1933, and by Decision No. 26304 dated August 28, 1933, shall remain in full force and effect except as modified by this Eighth Supplemental Order.

DATED at San Francisco, California, this 11th day of September, 1933.

C. L. Lewis
Leon Whitely
W. J. Lee
W. B. Harris
W. H. Brotherton

Commissioners.