

Decision No. 28723.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
PEERLESS STAGES, INCORPORATED, )  
a corporation, to issue certain in- ) Application No. 19258  
stallment note and deed of trust as )  
security therefor. )

Harry A. Encell, for applicant.

BY THE COMMISSION:

ORIGINAL

OPINION AND ORDER

Peerless Stages, Incorporated, has applied for permission to execute a deed of trust and to issue a note in the principal amount of \$28,000.00 payable at the rate of \$300. a month with interest at the rate of six percent. per annum, for the purpose of refunding outstanding indebtedness.

It appears that by Decision No. 21338, dated July 3, 1929, the Commission authorized applicant to execute deeds of trust and to issue notes in the amount of \$21,500. to finance the cost of terminal properties at San Jose. Later, by Decision No. 21461, dated August 16, 1929, as amended, it authorized the company to execute a deed of trust and to issue a note in the amount of \$25,000. and to finance the cost of certain properties in Oakland.

The present application shows that the notes authorized by Decision No. 21338 have been reduced to \$7,700. and the note authorized by Decision No. 21461 to \$20,300., a total of \$28,000. The balances being past due applicant has made arrangements to refund the amount by issuing to Bank of America National Trust & Savings Association a new note for \$28,000. secured by a new deed of trust on the San Jose and Oakland properties. It accordingly makes this

application for permission to carry out the transaction.

The Commission is of the opinion that this is not a matter in which a public hearing is necessary, that the application should be granted, as herein provided, and that the money, property or labor to be procured or paid for through the issue of the note is reasonably required for the purpose specified herein, which purpose is not, in whole or in part, reasonably chargeable to operating expense or to income, therefore,

IT IS HEREBY ORDERED, that Peerless Stages, Incorporated be, and it hereby is, authorized to execute a deed of trust substantially in the same form as that filed in this proceeding, provided that the authority thus granted is for the purpose of this proceeding only, and is granted only insofar as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said deed of trust as to such other legal requirements to which it may be subject.

IT IS HEREBY FURTHER ORDERED, that Peerless Stages, Incorporated be, and it hereby is, authorized to issue a note, to be secured by said deed of trust, in the principal amount of \$28,000. payable at the rate of \$300. a month, with interest at six percent. per annum, for the purpose of refunding the outstanding notes referred to herein.

The authority herein granted is subject to the following conditions:-

1. Applicant shall keep such record of the issue of the note herein authorized as will enable it to file within thirty (30) days after such issue, a verified report, as required by the Railroad Commission's General Order No. 24, which order, insofar as applicable, is made a part of this order.

2. The authority herein granted will become effective  
upon the date hereof.

DATED at San Francisco, California, this 15<sup>th</sup> day of  
January, 1934.

*CC Deane*  
*Leon Switzky*  
*W. J. Am*  
*M. B. Harris*  
*Nathan Harris*