

Decision No. 27774

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of
SAN JOSE RAILROADS, PENINSULAR
RAILWAY COMPANY and VISALIA ELEC-
TRIC RAILROAD COMPANY for certifi-
cate of public convenience and
necessity for the exercise of re-
settlement franchise granted by
Ordinance No. 2438 of the City of
San Jose, for authority to abandon
all franchises previously held by
applicants, or any of them, and for
the abandonment of all street railway
lines which are not included in said
resettlement franchise.

ORIGINAL

Application No. 19737

BY THE COMMISSION:

FIRST SUPPLEMENTAL ORDER

The Commission by its order in Decision No. 27719 dated February 4, 1935, provided that the authority therein granted shall become effective when applicants have filed with the Commission an indenture subjecting to the lien of the indenture securing the payment of the bonds of San Jose and Santa Clara County Railroad Company such rights and privileges under said resettlement franchise (Ordinance No. 2438 City of San Jose) as may be necessary to operate the properties on which said bonds are a lien.

Applicants on February 6, 1935 filed with the Commission a copy of their proposed "supplemental indenture of mortgage". In this indenture applicants grant, without warranty or implied covenant, to Wells Fargo Bank & Union Trust Company, as trustee under the mortgage of San Jose and Santa Clara County Railroad Company and subject to all the terms, conditions and covenants therein contained, all of their right, title and interest in and to said resettlement franchise insofar as it applies to the several lines of railway covered by said mortgage, said franchise rights to be held by the trustee as part of

the mortgages premises and as part of the security for the indebtedness of said San Jose and Santa Clara County Railroad Company secured thereby. The City Attorney of San Jose has informed us that the city will consent to the execution of the said "supplemental indenture of mortgage".

We have considered the said "supplemental indenture of mortgage" and find the same to be in satisfactory form, therefore,

IT IS HEREBY ORDERED that San Jose Railroads, Peninsular Railway Company and Visalia Electric Railroad Company be, and they are hereby, granted authority to execute a "supplemental indenture of mortgage" similar in form to the "supplemental indenture of mortgage" filed in this proceeding on February 6, 1935, provided that the authority herein granted to execute a "supplemental indenture of mortgage" is for the purpose of this proceeding only, and is granted insofar as this Commission has jurisdiction under the terms of the Public Utilities Act, and is not intended as an approval of said "supplemental indenture of mortgage" as to such other legal requirements to which said "supplemental indenture of mortgage" may be subject.

IT IS HEREBY FURTHER ORDERED that the authority herein granted shall become effective as of the date hereof.

DATED at San Francisco, California, this 25th day of February, 1935.

Leon O'Whalley

M. H. Linn

W. B. Linn

W. H. Linn

Frank R. Linn

Commissioners.