

Decision No. 28554

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
THE SAN JOSE WATER WORKS,
a corporation, for: (1) Order author-
izing sale of certain public utility
properties; and (2) Order authorizing
said corporation to discontinue public
utility operations; and the application
of SAN JOSE WATER WORKS, a corporation,
for: (1) Order authorizing purchase of
capital stock of a public utility cor-
poration; (2) Order authorizing pur-
chase of certain public utility proper-
ties; (3) Order authorizing mortgage
of public utility properties; (4)
Order authorizing issue and sale of
bonds and stocks.

Application No. 17740

ORIGINAL

BY THE COMMISSION:

NINTH SUPPLEMENTAL ORDER

San Jose Water Works, in its eighth supplemental application filed in the above entitled matter on December 18, 1935, reported that during the period from July 1, 1935 to November 30, 1935 it expended for additions and betterments to its water system the sum of \$71,096.61 and made retirements in the amount of \$19,211.21, leaving net fixed capital installed during the period, of \$51,885.40.

Thereafter the Commission by its Decision No. 28485, dated December 31, 1935, authorized the company to use \$51,885.40 of the proceeds received by it from the sale of the bonds authorized by Decision No. 27267, dated August 9, 1934, to reimburse its treasury on account of the moneys expended for such net fixed capital installed.

The company now has filed its ninth supplemental application in this proceeding in which it alleges that in reporting its retirements during the period of time referred to, it included for the

retirement of 6,149 feet of wooden and concrete flume in Los Gatos Canyon the sum of \$14,150.87, whereas, due to the fact that part of the old flume was used in the construction of the new flume, the amount should have been reported at \$5,932.87, a difference of \$8,218.00 which would increase the net fixed capital installed from July 1, 1935 to November 30, 1935, from \$51,885.40, as heretofore reported to the Commission, to \$60,103.40. It therefore asks the Commission to authorize it to use \$8,218.00 of bond proceeds to reimburse its treasury and finance the net fixed capital installation in addition to the \$51,885.40 heretofore authorized by Decision No. 28485.

The Commission has considered applicant's request and believes it should be granted, therefore,

IT IS HEREBY ORDERED that San Jose Water Works be, and it hereby is, authorized to withdraw from American Trust Company, Trustee under its trust indenture of July 1, 1926, as amended, \$8,218.00 of the proceeds received from the sale of the bonds authorized by Decision No. 27267, dated August 9, 1934, in addition to the \$51,885.40 of proceeds heretofore authorized to be withdrawn by Decision No. 28485, dated December 31, 1935, for the purpose of reimbursing its treasury in part on account of moneys expended for additions and betterments made to its water system during the period from July 1, 1935 to November 30, 1935.

IT IS HEREBY FURTHER ORDERED that the order in Decision No. 27267, dated August 9, 1934, as amended, shall remain in full force and effect, except as modified by this Ninth Supplemental Order.

DATED at San Francisco, California, this 10th day of February, 1936.

M. B. Lane
Leon Whittell
W. H. Linn
Walter H. Brown
Frank A. Wynn
Commissioners.