

Decision No. 29762

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
SAN JOSE WATER WORKS,
a corporation, for an order authorizing
it to execute a second supplemental in-
denture, supplemental to the mortgage
of its properties.

}
} Application No. 21174
}

Leib & Leib and McCutchen, Olney, Mannon & Greene,
for applicant.

BY THE COMMISSION:

ORIGINAL

ORDER

San Jose Water Works has applied to the Commission for an order authorizing it to execute and deliver to Bank of America National Trust and Savings Association, Trustee, a second supplemental indenture to its mortgage of chattels and trust indenture of December 1, 1936.

By Decision No. 29400, dated December 21, 1936 in Application No. 20865, the Commission authorized San Jose Water Works to execute a mortgage of chattels and trust indenture and a supplemental mortgage of chattels and trust indenture, both dated as of December 1, 1936, and to issue not exceeding \$2,100,000. of first mortgage 3-3/4% bonds, Series A, due December 1, 1961, of which bonds it subsequently issued \$2,051,000. Thereafter, by Decision No. 29552, dated February 19, 1937, as amended, in Application No. 21005, the Commission authorized the company to issue additional Series A bonds in the amount of \$1,059,000. Such bonds have not been issued.

The company now desires to execute a second supplemental indenture, dated as of May 1, 1937, which will provide in effect that in the event any municipality or other governmental body shall acquire all or substantially all of the property subject to the

lien of the original indenture, the company will not use the consideration received by it for such properties to acquire other properties but will use such consideration to purchase and redeem bonds then outstanding under its original indenture or any supplement thereto. It alleges that if such second supplemental indenture is made and executed it will be able to issue and sell the bonds authorized by Decision No. 29552 as amended.

A copy of the proposed indenture is filed in this proceeding as Exhibit A. The Commission has considered the matter and is of the opinion that a public hearing is not necessary and that the company's request should be granted, therefore,

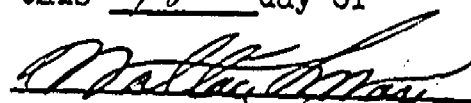
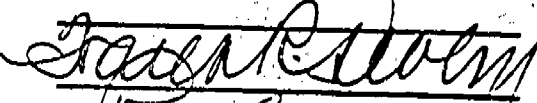
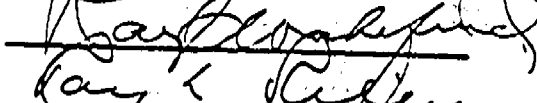
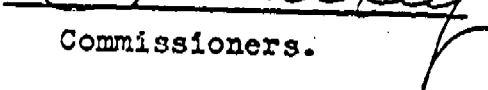
IT IS HEREBY ORDERED that San Jose Water Works be, and it hereby is, authorized to execute and deliver to Bank of America National Trust and Savings Association, Trustee, a second supplemental indenture in or substantially in the same form as the second supplemental indenture filed in this proceeding as Exhibit A, provided,

1. That the authority herein granted is for the purpose of this proceeding only and is given only insofar as this Commission has jurisdiction under the terms of the Public Utilities Act and is not intended as an approval of said second supplemental indenture as to such other legal requirements to which it may be subject; and

2. That applicant shall file two certified copies of said supplemental indenture as actually executed within thirty(30) days after such execution; and

3. That the authority herein granted will become effective upon the date hereof.

DATED at San Francisco, California, this 10th day of May, 1937.





Commissioners.