

Decision No. 32728

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Public Utility
Operated in Topanga Canyon by A. E.
Haney, also known as Albert E. Haney,
for permission to issue a note and
execute a mortgage.

ORIGINAL

Application No. 22351

BY THE COMMISSION:

O P I N I O N

The Commission by Decision No. 32206 dated August 1, 1939, in Application No. 22329, authorized B. J. Lewis, doing business under the fictitious name and style of B. J. Lewis Public Utility Water System, to sell to A. E. Haney his public utility water system used to supply water to the consumers residing on Tracts 7806 and 8910, Topanga Canyon, Los Angeles County, California.

The properties were acquired by said A. E. Haney subject to a mortgage of \$2,200 held by the R. D. Scott Estate. The execution of the mortgage, however, had not been authorized by the Commission and was not authorized by said Decision No. 32206, dated August 1, 1939.

On January 8, 1940 there was filed in this application an amended petition in which said A. E. Haney asks the Commission to authorize and approve the issue of a \$2,200 six per cent. installment note payable to said R. D. Scott Estate, and the execution of a mortgage to secure the payment of said note. We have no authority to approve the note and mortgage heretofore issued and executed. The order herein will authorize the issue of a new note and the execution of a new mortgage.

The principal of the note and the interest thereon is payable in installments of \$25 or more on the first day of each calendar month beginning August 1, 1939; \$50 or more commencing August 1, 1940; \$75 or more commencing August 1, 1941; and any unpaid balance is due August 1,

1942. The payments shall be credited first on interest then due, and the remainder on the principal. Interest ceases upon the principal so credited. The mortgage is a lien on the following described property:-

"The water system now on tract 7806 per map recorded Office County Recorder of Los Angeles County, State of California, in Book 114, Pages 40 to 43, inc. and Tract 8910, per Map recorded Office said County Recorder in Book 119, Pages 39 to 41, inc., located in Topanga Canyon, said County and State, which water system is described in detail, as follows: 1 U.S. starter switch, #6022, 1 U.S. enclosed switch #6032, Pipes, connections and brass cylinder, also 8'-8'-corrugated well house. Pumping plant now located on Lot 54, Tract 8910 including 1 U.S. 7½ HP motor #61102, plus starter connections, 1-Alamo Darward Power Head Pump 12" stroke #12-A1223. 100,000 gallon redwood water tank, located on Lot 54, Tract 8910, together with the well and all casings, fittings and connections. 1500 feet more or less of ½ inch galvanized pipe. 1 wood derrick together with rope, block and tackle and all appurtenances of the water system located on Lot 54, Tract 8910. All of the water distributing lines, pipes, connections, meters, valves, fitting, and so on now located on Tract 7806, and Tract 8910 which constitute the water distributing system now in use. Lot 54, Tract 8910 per Map recorded Book 119, page 39 to 41 inc. of Maps, Records said county. 1 Meyers 12 inch stroke deep well pump; 1 5-HP U.S. motor directly connected by V-belt drive, with starting switch, 1 electrical connection and all equipment appurtenant thereto. 1 Meyer pressure pump, 1 360 gallon pressure tank and appurtenances located on Lot 54, Tract 8910. 1-#22 Armstrong Churn Drill; 1 Drill stem 4x20 Ft. long, 1 Drill stem 3" x 20 ft. long, 2 Swivel sockets, 2-8" bits, 2-6" bits, 2-4" bits, 1-10" bit, 1 set drilling jars, 1-7" baler, 1-5" baler, 1-23" baler, 1 forgue track and jack, 4 tool wrenches, 400 ft. 8" casing, 300 ft. 6" casing, and 1-33 Two-ton G.M.C. truck.

TOGETHER with all and singular the tenements, hereditaments and appurtenances thereunto belonging, or in anywise appertaining, and the reversion or reversions, remainder and remainders, rents, issues and profits thereof."

A copy of the note and mortgage is attached to the amended petition filed on January 8, 1940. We find the same to be in satisfactory form.

ORDER

The Commission having considered applicant's requests, and it being of the opinion that this is not a matter on which a hearing is necessary, that the money, property or labor to be procured or paid for

by the issue of said \$2,200 note, is reasonably required by said A.E. Haney for the purpose of refunding indebtedness and that the expenditures for said purpose are not in whole or in part reasonably chargeable to operating expenses or to income, and that this application should be granted, subject to the provisions of this order, therefore,

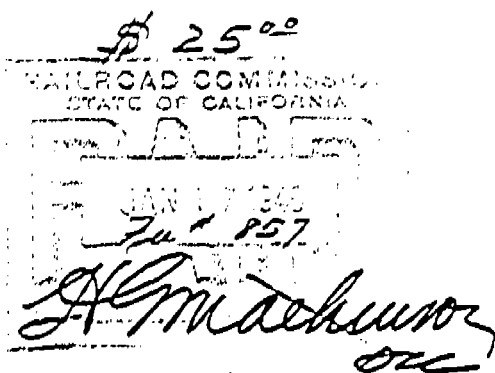
IT IS HEREBY ORDERED that Albert E. Haney be, and he is hereby authorized to issue a note and to execute a mortgage in the form of the note and mortgage attached to the amended petition filed in this matter on January 8, 1940 for the purpose of refunding indebtedness, provided that the authority herein granted to execute a mortgage 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 mortgage as to such other legal requirements to which said mortgage may be subject.

IT IS HEREBY FURTHER ORDERED that the authority herein granted will become effective when said Albert E. Haney has paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which minimum fee is Twenty-five (\$25.00) Dollars.

IT IS HEREBY FURTHER ORDERED that the authority herein granted will apply only to such note as may be issued, and to such mortgage as may be executed on or before April 1, 1940.

IT IS HEREBY FURTHER ORDERED that within thirty(30) days after the issue of said note and the execution of said mortgage, Albert E. Haney shall file with the Railroad Commission a copy of said note and a copy of said mortgage.

DATED at San Francisco, California, this 16th day of January, 1940.



Ray L. Kelly
Robert H. Kelly
Railroad Commission

Justin J. Cullen
COMMISSIONERS