

Decision No. 35545

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Petition of  
ORBISONIA WATER COMPANY, a corporation,  
for permission to issue to Ulrich Diethelm  
and Helen Diethelm, a promissory note  
secured by a trust deed upon real property  
of the corporation, and an assignment of  
the net revenue thereof.

ORIGINAL  
Application  
No. 25103

BY THE COMMISSION:

O P I N I O N

Orbisonia Water Company asks permission to issue to Ulrich Diethelm and Helen Diethelm its promissory note for the sum of \$4,250 and secure the payment of the same by the execution of a deed of trust and by the assignment of the corporation's net revenue.

A copy of the note and deed of trust and a copy of the assignment of net revenues are on file in this proceeding as Exhibits "A" and "B," respectively.

The deed of trust will be a lien on Lot 16, Block 5 of the Bel Air Tract according to the map of said tract filed in the office of the County Recorder of Contra Costa County, State of California, on the 9th day of November, 1939, in Book 3 of Maps at Pages 730-731. The lien of the deed of trust will also attach to the improvements and equipment now situate on

said property, consisting of one 5 H.P. deep well pump of a capacity of 100 gallons per minute, one 10" well, and one 10,000 gallon redwood tank.

The \$4,250 note is payable in installments of \$50 per month for a period of two years and \$100 per month thereafter until the principal is fully paid, interest on all deferred payments is at the rate of 6% per annum, and is to be deducted from each of the monthly payments. The amount remaining after the deduction of interest is to be credited to the payment of the principal of the note. The first payment is due August 1, 1942.

Orbisonia Water Company proposes to use \$1,963.22 of the proceeds to pay the balance due on the properties described in the lease filed as Exhibit "D" in Application No. 25068. The remainder of the proceeds will be used to install approximately 2,000 feet of 3" pipe in the Bel Air Tract, one 5 H.P. booster pump of 100 gallons per minute capacity, and the necessary fittings. The total cost of the improvements including labor is estimated at \$2,250. It is of record that some eighty residences in the Bel Air Tract cannot now obtain service from applicant's distribution system. The improvements are needed to supply water to said residences.

O R D E R

The Commission having considered the request of Orbisonia Water Company for permission to issue a note, execute a deed of trust and make an assignment of its net revenue, 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 through the issue of said note is reasonably required by Orbisonia Water Company for the purposes herein stated; that the expenditures for said purposes 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 as follows:

1. Orbisonia Water Company may, after the effective date hereof and on or before October 1, 1942, issue a note for the sum of not exceeding \$4,250 and secure the payment of said note by the execution of a deed of trust and the assignment of its net revenue, said note and deed of trust to be substantially in the same form as the deed of trust filed in this proceeding as Exhibit "A," and said agreement assigning net revenue in substantially the same form as the agreement filed in this proceeding as Exhibit "B," provided that the authority herein granted to execute a deed of trust and agreement assigning net revenue 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 and agreement assigning net revenue as to such other legal requirements to which said deed of trust and agreement assigning net revenue may be subject.

2. Orbisonia Water Company shall use the proceeds realized through the issue of said \$4,250 to pay the balance due, to-wit: \$1,963.22, together with interest thereon at the

rate of 6% per annum from March 16, 1942, under the lease filed as Exhibit "D" in Application No. 25068, and to acquire and install the pipe line, booster pump, and necessary fittings referred to in this application.

3. The authority herein granted will become effective when Orbisonia Water Company has paid the minimum fee prescribed by Section 57 of the Public Utilities Act, which minimum fee is Twenty-five (\$25.00) Dollars, and when Orbisonia Water Company has acquired the properties and an interest in the lease filed as Exhibit "D" in Application No. 25068.

4. Within ninety (90) days after the issue of the note herein authorized, Orbisonia Water Company shall file with the Railroad Commission a true and correct copy of the note and deed of trust executed under the authority herein granted and a true and correct copy of the agreement assigning its net revenue as security for payment of said note, together with a statement showing the purposes for which it expended the \$4,250 realized through the issue of said note.

Dated at San Francisco, California, this 7<sup>th</sup> day of July, 1942.

Ray L. Riley

Francis D. Harwood

Richard K. Kach  
Commissioners.

