

ORIGINAL

Decision No. 42640

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Theodore C. Linde and Margaret C. Linde,  
his mother, doing business as Visitacion  
City Water Company, for an Order of the  
Public Utilities Commission authorizing the  
execution of a Mortgage on the Properties  
and facilities of the Visitacion City Water  
Company, for an extension of the Boundaries  
of its operating area and for an increase  
in Rates.

Application  
No. 28005  
(Petition for Extension  
of Time)

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J. H. Jamison, for Applicants.

FOURTH SUPPLEMENTAL ORDER

On June 30, 1949, Theodore C. Linde and Margaret C. Linde, doing business as Visitacion City Water Company in, and in the vicinity of Brisbane, San Mateo County, filed in the above numbered application a supplemental petition in which they ask the Commission to extend the time within which they may issue the notes (not exceeding \$15,000 principal amount) authorized by Decision No. 40722, dated September 16, 1947, as amended. In said petition they also ask authority to install certain mains as fire protection supply or feeder mains, and request that they be relieved from providing adequate fire protection service until a satisfactory agreement is reached by and between applicants and the Board of Fire Commissioners of the Brisbane Fire District on the rates for such service and the number of fire hydrants.

At an election held on January 14, 1949, the voters of Brisbane and surrounding territory approved the formation of the Brisbane County Water District. Thereafter, upon two occasions, the

voters of the District defeated proposals to have the District issue bonds to acquire or construct a water system and engage in the water business. In the meantime, the Fire District did not install the fire hydrants referred to in Decision No. 40722, nor have applicants and the Board of Fire Commissioners concluded their negotiations as to the fire hydrant rates to be paid by the District to applicants and the fire protection service to be rendered by applicants.

At the hearing had on December 12, 1949, Theodore C. Linde stated that in view of the pending negotiations between himself and representatives of the Fire District, he will not ask the Commission now to pass on that part of the supplemental petition relating to the installation of mains for fire protection service and the sale of water for fire protection.

Applicants delayed the issue of the notes because of their failure to come to an agreement with the Fire District and because of the Water District bond elections. They now ask the Commission to extend the time within which they may issue said notes so that they will be in a position to undertake the financing of the improvements to their water properties referred to in Decision No. 41844, dated July 13, 1948.

The Commission has considered applicants' request for additional time to issue said notes, and is of the opinion that such request should be granted.

IT IS HEREBY ORDERED that the order in Decision No. 40722, dated September 16, 1947, as amended, is hereby further amended so as to permit Theodore C. Linde and Margaret C. Linde to issue, on or before June 30, 1950, their promissory note or notes

for the aggregate sum of not exceeding \$15,000, such notes to be payable on or before ten (10) years after the date of their issue with interest at the rate of not exceeding 6% per annum. Applicants shall use the note proceeds for the purposes set forth in said Decision No. 40722, dated September 16, 1947, as amended.

IT IS HEREBY FURTHER ORDERED that the order in Decision No. 40722, dated September 16, 1947, as amended, shall remain in full force and effect, except as modified by this fourth supplemental order.

IT IS HEREBY FURTHER ORDERED that the authority herein granted is effective upon the date hereof.

Dated at San Francisco, California, this 20<sup>th</sup> day of December, 1949.

R. Z. Anderson  
James F. Videman  
Robert L. Howell  
Harold P. Hula  
Herbert H. Potter  
Commissioners