

**ORIGINAL**

Decision No. 55676

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of John Barth and Barth, Inc., a California corporation, to operate a water system in the Avenue G and 140th Street East neighborhood, Lancaster, Los Angeles County, California; to establish rates and to issue stock.

Application No. 38521

FIRST SUPPLEMENTAL ORDER

By Decision No. 55444, dated August 20, 1957, the Commission, among other things, authorized Barth, Inc., to issue shares of stock under certain conditions, as follows:

"8. That applicant, after the effective date hereof, may issue not to exceed 6,000 shares of its \$10 par value stock; provided that 470 of said shares of stock may be issued forthwith to John Barth at par for cash, to provide working cash capital and funds for the purchasing and installation of meters and connections for the existing services and added services; and, provided further, that 5,530 of such shares shall be placed in escrow with an escrow holder approved by this Commission, to be held until either (a) appropriate steps have been taken in conformance with the provisions of the California Corporations Code to sell and transfer the assets of the Vista Mutual Water Company to John Barth or (b) all members and shareholders of the Vista Mutual Water Company have sold, set over and assigned to John Barth all their rights, title, or interests in the said Vista Mutual Water Company assets; provided, further, that in the event either (a) or (b) of the foregoing provision is complied with and proof is made to the Commission's satisfaction thereof, the Commission may, by supplemental order, either with or without a hearing, order that the said 5,530 shares of stock, or any part thereof, be issued to John Barth or such other person or persons determined by this Commission to be entitled thereto."

In a letter dated September 10, 1957, the Commission was informed that Title Insurance and Trust Company had been selected as escrow holder.

However, in a letter dated September 23, 1957, counsel for Barth, Inc., has reported that the property of Vista Mutual Water Company has been acquired by Barth, Inc., and that Barth, Inc., now is the sole owner of said property free and clear of all indebtedness and encumbrances.

The letters have been accepted by the Commission as part of the record in this proceeding. Upon the basis of the information now before us, we are of the opinion no reason now exists for requiring applicant to create and maintain the escrow as provided by said Ordering Paragraph 8 of the order in Decision No. 55444, and that a supplemental order should be entered relieving applicant of the necessity of escrowing its shares; therefore,

IT IS HEREBY ORDERED that Ordering Paragraph 8 of the order in Decision No. 55444 is hereby amended to read as follows:

"8. That applicant, after the effective date hereof, may issue not to exceed 6,000 shares of its \$10 par value stock to provide working cash capital and to pay for the property and improvements referred to in this application."

This First Supplemental Order is effective upon the date hereof.

Dated at San Francisco, California, this 15<sup>th</sup> of October, 1957.

*W. E. ...*  
 President

*Ray ...*

*...*

*R. ...*

*J. L. Fox*  
 Commissioners