

ORIGINAL

Decision No. 47429

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

E. J. MURPHY and ROOSEVELT CONSTRUCTION
COMPANY, a partnership composed of
CY WEITZ and ALBERT WEITZ,

Complainants,)

Case No. 5336

vs.
vs.

WATER WORKS OF MONTA VISTA, LTD.

Defendant.)

OPINION AND ORDER

The above-entitled complaint was filed on October 31, 1951 and alleged, in substance, that the defendant utility had mains bordering complainants' proposed real estate subdivision and that defendant had refused to supply water to said subdivision except under a grant of \$10,500 for certain capital improvements to the defendant utility's plant.

By letter of November 19, 1951, complainants informed this Commission that negotiations were pending and a voluntary settlement of the dispute was expected and that, therefore, defendant would not be expected to answer the complaint for a period of 30 days. By another letter, dated December 20, 1951, additional time for an answer was granted as negotiations were still pending. Since that time the examiner assigned to this matter for the taking of evidence has been in monthly contact with complainants' attorney in an attempt to bring the matter to a conclusion. Complainants have at no time, since January 21, 1952, indicated any desire to proceed in the matter. Accordingly, complainants were notified by the Secretary of this Commission by letter dated May 12, 1952, that

unless the Commission were advised prior to June 15, 1952, as to the intention of complainants to proceed, the Commission would, of its own accord, dismiss the complaint. Said date of June 15, 1952, having passed without receipt of any communication from complainants and good cause appearing,

IT IS ORDERED that said complaint be and it is hereby dismissed.

Dated at San Francisco, California, this 8th day of July, 1952.

[Signature] President.
Justice J. Casper
Harold A. Kula
Kenneth Patton
Commissioners.