

ORIGINAL

Decision No. 57022

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 HERMAN C. SOMMER, an individual, doing
 business under the name and style
 DEEP WELL WATER COMPANY, for certificate
 of public convenience and necessity to
 construct, operate and maintain a water
 system in the unincorporated community
 commonly known as Antelope Valley in the
 County of Los Angeles, State of California,
 and to establish rates.

Application No. 38322
 (Amended)

L. A. Bulloch, attorney, for applicant.

ORDER OF DISMISSAL

By the above-entitled application, Herman C. Sommer, an individual, doing business as Deep Well Water Company, seeks a certificate of public convenience and necessity to construct, operate and maintain a water system in unincorporated territory about 8 miles northeast of Palmdale in Antelope Valley in Los Angeles County. The application was filed on August 9, 1956, and was amended on September 21, 1956.

A public hearing was held before Examiner Stewart C. Warner on November 12, 1957, at Lancaster, in conjunction with Applications Nos. 37874 and 38642 of Great Western Water Service, No. 39092 of Berto A. Olson, and No. 39161 of Pearland Water Company. At said hearing the applicant requested that his matter be continued to a date to be set without the taking of any testimony or the receipt of

any evidence. He stated that he would inform the Commission when he was prepared to proceed with his application.

On April 3, 1958, the applicant was requested, by certified mail, to advise the Commission whether he intended to pursue his application and, if so, when he would be prepared to proceed therewith. On April 9, 1958, the applicant replied by letter that he was working diligently to complete negotiations with Mr. Warren Wagner. On April 22, 1958, the applicant was granted a thirty-day extension of time to complete such negotiations, and on April 23, 1958, Great Western Water Service, a public utility water corporation under the jurisdiction of the Commission, over the signature of Henry E. Suzuki, advised the Commission that the said corporation was negotiating with the applicant to take over the responsibility of the water service in the area proposed in the instant application, and requested a further extension of time to pursue the application. On April 24, 1958, the Commission advised Mr. Suzuki that a thirty-day extension of time after April 22, 1958, was granted. The Commission has not been advised further either by the applicant or by Great Western.

It appearing that the application of Herman C. Sommer to do business as Deep Well Water Company, a public utility, has not been diligently pursued by the applicant and has no reasonable or assured prospects of being pursued thereby; that said application has been on file with the Commission for nearly two years without positive action by the applicant; and that it would be adverse to the public interest to further retain it on the Commission's docket, therefore

IT IS HEREBY ORDERED that the application be and it is dismissed without prejudice.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California,
this 21st day of July, 1958.

[Signature]
President

[Signature]

[Signature]

[Signature]

Commissioners

Commissioner Matthew J. Dooley, being necessarily absent, did not participate in the disposition of this proceeding.