

Decision No. 57867

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

RAY O'FLYNG and ANNE M. O'FLYNG,)
Complainants,)

vs.)

Case No. 6115

CALIFORNIA WATER SERVICE COMPANY,)
a corporation, Defendant)

ORDER OF DISMISSAL

Complainants, by their complaint, filed May 26, 1958, sought an order from this Commission directing defendant to furnish an extension of domestic water service to a portion of their property in the San Ramon Valley, Contra Costa County.

The complainants had previously sought informal relief and, on May 17, 1958, had filed a letter of protest in a joint application of defendant, the San Ramon Valley County Water District and the East Bay Municipal Utility District for authority to transfer defendant's San Ramon Valley Water System to the County Water District, and for defendant to withdraw from public utility service in the area described in the application whenever the Municipal Utility District should undertake service in that area. (Application No. 40076, filed May 12, 1958.)

Following the joining of issues by the filing of defendant's answer herein, complainants and defendant concluded a settlement of their dispute, which has been incorporated in a Letter Agreement, dated July 21, 1958, as supplemented by a letter from defendant to complainants, dated July 23, 1958. In substance, the agreement provides that defendant will undertake to supply water, at its regular rates, to a mutual water company to be organized by

complainants, pending conclusion of arrangements between complainants, or the mutual company, and East Bay Municipal Utility District for a water supply to complainants' property. Complainants, on their part, agree to withdraw their protest to the transfer proceeding (Application No. 40076) and to dismiss their complaint herein. A request for such dismissal, which includes a withdrawal of the protest, was filed on July 24, 1958. Attached to this request for dismissal are copies of the Letter Agreement and Supplement, together with a map and chart which depict the physical situation involved in the agreement.

Although the request for dismissal bears a title comprising both proceedings, separate decisions will be issued herein and in Application No. 40076.

Therefore, good cause appearing,

IT IS HEREBY ORDERED that the complaint in Case No. 6115 herein be and it hereby is dismissed.

Dated at San Francisco, California, this 29th day of July, 1958.

E. Lynn Fox
President
Paul E. Marshall
Paul Sturtevant
Theodore Jenner
Commissioners