

ORIGINAL

Decision No. 63425

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IDEAL CEMENT COMPANY,
a corporation,

Complainant,

vs.

PACIFIC GAS AND ELECTRIC COMPANY,
a corporation,

Defendant.

Case No. 7004
(Filed November 1, 1960)

ORDER OF DISMISSAL

Ideal Cement Company, a corporation, whose address is Harbor Boulevard, Redwood City, California, filed the above-entitled complaint against Pacific Gas and Electric Company requesting an order from this Commission directing defendant to refund to complainant the sum of \$111,492.50, together with interest.

Defendant filed its answer on November 23, 1960 requesting that the complaint be dismissed and, on the same date, filed a written motion to dismiss.

We find that the issues raised in the instant proceeding are the same as those raised in Case No. 6678, Pacific Cement & Aggregates, Inc., vs Pacific Gas and Electric Company. That proceeding was dismissed by Decision No. 61716, dated March 21, 1961. Review of Decision No. 61716 by the California Supreme Court was denied.

We further find that for the same reasons the relief sought in Case No. 6678 was denied, the relief sought in the instant proceeding (Case No. 7004) should be denied and defendant's motion to dismiss should be granted; accordingly,

IT IS ORDERED that the relief sought by complainant be and the same hereby is denied and this complaint hereby is dismissed.

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

Dated at San Francisco, California, this 20th day of March, 1962. *U.C.*

Ernest R. ...
 President

D. L. ...

George T. Trover

Fredrick B. Halbach

Commissioners

Commissioner C. Lyn Fox, being necessarily absent, did not participate in the disposition of this proceeding.