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Decision No.

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

VALLEY NITROGEN PRODUCERS, INC., a corporation,

Complainant,

Defendant.

v.

PACIFIC GAS AND ELECTRIC COMPANY, a corporation,

Case No. 7066 (Filed February 23, 1961)

ORDER OF DISMISSAL

Valley Nitrogen Producers, Inc., an agricultural cooperative corporation, having its principal place of business at Helm in Fresno County, 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 \$34,532 with interest.

Defendant filed its answer on March 9, 1961 requesting that the complaint be dismissed.

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.

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C. 7066 JCM

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. 7066) should be denied and the complaint should be dismissed; 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 <u>San Francisco</u>, California, this <u>20 77</u> day of <u>MARCH</u>, 1962.

President

Commissioners

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