

Decision No. 64158**ORIGINAL**

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CITY OF NEWMAN, a Municipal Corporation,  
 Complainant,  
 vs.  
 NEWMAN WATER WORKS, INC.,  
 Defendant.

Case No. 7126

In the Matter of the Application of  
 NEWMAN WATER WORKS, INC. for author-  
 ity to increase water rates in its  
 territory, in and adjacent to the  
 City of Newman, Stanislaus County,  
 California.

Application No. 40574

ORDER OF DISMISSAL

The above-entitled complaint of the City of Newman was filed with this Commission on May 25, 1961. The answer of Newman Water Works, Inc., was filed on July 12, 1961. In essence, the City of Newman sought a reduction of rates for water service, claiming that Newman Water Works, Inc., had not installed certain facilities ordered to be installed by this Commission's Decision No. 58727 issued July 7, 1959. On July 25, 1961, this Commission reopened the matter of Application No. 40574, in which said decision had been issued and thereafter, upon due notice, the complaint and the reopened application were set for hearing, on a consolidated record, for January 18, 1962.

On January 15, 1962, the City of Newman requested that the matters be taken off calendar and such was done. The City informed the Commission that it had entered into an agreement to purchase the Newman Water Works system and that it intended to hold a bond election in connection therewith at the June 1962 primary election.

On July 24, 1962, this Commission advised the City that the matter, being then more than one year old, would be dismissed for lack of prosecution unless the City were to advise the Commission that the City was ready to proceed to hearing.

By letter dated July 25, 1962, the City of Newman has advised the Commission that the bond election failed and that the City is negotiating a purchase of the utility on a lease-option contract, said contract requiring the authorization of this Commission prior to its execution.

From the information supplied by the City, it is apparent that the City has abandoned its complaint and has no present intention of pursuing the same.

Good cause appearing therefor,

IT IS ORDERED that the complaint of the City of Newman in Case No. 7126 be and it is hereby dismissed; further the order of this Commission issued on July 25, 1961, by which the matter of Application No. 40574 was reopened is hereby set aside and Decision No. 58727, as modified on May 31, 1960, authorizing an extension of time, shall remain in full force and effect.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 28th day of AUGUST, 1962.

George G. Traver  
President

[Signature]

[Signature]

[Signature]

Commissioners

-2- Commissioner Peter E. Mitchell, being necessarily absent, did not participate in the disposition of this proceeding.