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Decision No. \_\_\_\_\_

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of

DYKE WATER COMPANY  
a corporation

for authority to issue evidence of  
indebtedness and encumber property

Application No. 44980  
Filed November 28, 1962

ORDER OF DISMISSAL

In this application, Dyke Water Company seeks authority to execute a deed of trust and a chattel mortgage, and to issue its promissory note, or notes, in the aggregate principal amount of \$1,600,000 in favor of Water Industries Capital Corporation, and bearing interest at a rate of not to exceed 8% per annum.

The application does not contain copies of the proposed instruments, as required by the Commission's Rules of Procedure, and applicant requests a conditional order subject to later filing of the required copies.

The matter has been pending for more than a year, which has been sufficient time to enable applicant to obtain copies of said proposed instruments if it intends to proceed with the proposed financing. Moreover, in another proceeding the Commission has been informed by applicant that steps have been taken to liquidate the proposed lender. On June 13, 1963

and August 19, 1963 the Secretary of the Commission inquired of applicant by letter concerning applicant's intentions with respect to this application; no reply has been received.

We have considered this matter and find that (1) applicant has not filed copies of the proposed instruments, as required by our Rules of Procedure; (2) circumstances have changed with respect to the proposed lender so that it no longer can be regarded as a source of funds for the applicant; and (3) applicant has failed to prosecute this application within a reasonable time. A public hearing is not necessary.

Based upon the foregoing findings, we conclude that the application should be dismissed for lack of prosecution.

IT IS ORDERED that:

1. Application No. 44980 is hereby dismissed.
2. The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 21<sup>st</sup> day of JANUARY, 1964.

William L. Beardsley  
President  
George A. Crover  
Fredrick B. Hallock  
Commissioners