

Decision No. 69804

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

LEFFINGWELL LAND CO.,
Complainant,

vs.

SOUTHWEST WATER CO.,
Defendant.

Case No. 7987
Filed August 17, 1964

William W. Leavitt, for complainant.
Arthur D. Guy, Jr., for defendant.

ORDER OF DISMISSAL

In the above-entitled matter an answer to the complaint was filed by defendant on September 18, 1964, a prehearing conference was held on November 19, 1964, and hearing on the complaint commenced on September 15, 1965. The complainant seeks the recovery of a stated sum of money charged complainant by defendant for relocating a water main in Lot No. 85 of Tract 21413 in Los Angeles County, California.

By Decision No. 67215, dated May 19, 1964, in Case No. 7113, the defendant herein was ordered to refund to complainant herein a portion of a main extension deposit required by defendant of complainant for water service to certain customers in the said lot and tract.

On September 15, 1965, after one-half day of hearing in Case No. 7987, the parties stipulated as follows:

'MR. LEAVITT: I will stipulate that the proceeding, being Case 7987, Leffingwell Land Company (sic) versus Southwest Water Company (sic) may be dismissed upon the agreement of defendants that they waive any right to reopen Case No. 7113 and that I will get a letter from

the complainant stating that it concurs in this dismissal so that the Commission may be sure of having the proper authority to dismiss.

.....

MR. GUY: I am willing to join in that stipulation and join in the understandings, with the additional understanding however that if this letter is not forthcoming within five days our waiver of rights to pursue Case No. 7113 is withdrawn.

MR. LEAVITT: May I have a little more time? Give me 15 days to get it. I will get it unquestionably.

MR. GUY: It doesn't make any difference really how much time.

.....

MR. GUY: And this is dismissal with prejudice?

MR. LEAVITT: With prejudice of course and your waive to reopen will be with prejudice.

MR. GUY: Provided the letter comes within 15 days."

The letter from complainant herein required by the stipulation having been filed, and good cause appearing,

IT IS ORDERED that the above-entitled complaint be and it hereby is dismissed with prejudice.

Dated at San Francisco, California, this 19th day of OCTOBER, 1965.

Frederick B. Hallock
President
George L. Traver
Attorney
William W. Bennett

Commissioners

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