

**ORIGINAL**Decision No. 70121

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
 BENICIA INDUSTRIES, INC.,  
 a California corporation, for a  
 certificate of public convenience  
 and necessity to provide telephone  
 service in an area now known as the  
 Benicia Industrial Park, Solano  
 County, California, and formerly  
 a United States Military Reservation.

Application No. 47851  
 (Filed August 27, 1965)

Bacigalupi, Elkus, Salinger & Rosenberg, by  
Warren A. Palmer and Charles deY. Elkus, Jr.,  
 for applicant.  
 A. T. George, G. H. Eckhardt, Jr., R. W. Odgers  
 and Pillsbury, Madison & Sutro, for The  
 Pacific Telephone and Telegraph Company,  
 protestant.  
 City of Benicia, by John A. Bohn, interested  
 party.  
R. T. Perry and Edward Prando, for the  
 Commission staff.

ORDER OF DISMISSAL

By its application herein, Benicia Industries, Inc., a California corporation, sought a certificate of public convenience and necessity for the construction of a public utility telephone system for service to and within the former United States Military reservation commonly known as the Benicia Arsenal.

Public hearing in the matter was held before Examiner Emerson on October 27 and 29, 1965 during which eight witnesses were heard and sixteen exhibits received. On November 22, 1965, prior to calendared resumption of public hearing, counsel for applicant informed the Examiner that applicant had negotiated a

settlement with The Pacific Telephone and Telegraph Company, protestant in this matter, and did not desire to pursue its application. By letter filed November 29, 1965, counsel for applicant has requested that its application be dismissed.

Good cause appearing,

IT IS ORDERED that Application No. 47851 be and it is hereby dismissed.

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

Dated at San Francisco, California, this 21<sup>st</sup> day of DECEMBER, 1965.

Frederick B. Halshoff  
President  
George H. Traver  
William M. Bence  
Commissioners