

**ORIGINAL**Decision No. 70737

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Petition of the Second Class of  
 WHISPERING PINES MUNICIPAL WATER  
 DISTRICT for Determination of Just  
 Compensation for Acquisition of  
 Certain Utility Properties Owned by  
 Kentwood-in-the-Pines Community  
 Association.

Application No. 47398  
 (Filed March 10, 1965)

Harry Hargreaves, for Whispering Pines Municipal  
 Water District, petitioner.  
W. Paul Payne, for Golconda Utilities Company,  
 respondent.  
Duane E. Wilson, for Title Insurance & Trust Company;  
Gostin & Katz, by Irwin Gostin, for Kentwood-in-the-  
 Pines Community Association, interested parties.  
Cyril M. Saroyan, Bruno A. Davis, and Robert C. Moeck,  
 for Commission staff.

O P I N I O N

This is a petition of the second class by Whispering Pines Municipal Water District to determine the just compensation for certain water utility properties alleged to be owned by Kentwood-in-the-Pines Community Association. The Commission issued an order to show cause in the matter on April 27, 1965. A duly noticed public hearing was held in this proceeding before Examiner Jarvis at Julian on June 3, 1965 and at San Francisco on November 22, 1965 and April 20, 1966. The Examiner ordered the matter submitted on the latter date.

It appears from the record that petitioner is now uncertain as to whether or not it desires to condemn the property under consideration. The ultimate determination rests upon the outcome of various proceedings or actions before this Commission, the Superior Court and the United States District Court. In the circumstances,

this matter cannot proceed to a hearing on its merits in the near future. There is no reason to keep the matter on the Commission's docket. If and when petitioner desires to condemn the public utility water system here under consideration, it can file a new petition. The Commission finds and concludes that the petition should be dismissed without prejudice.

O R D E R

IT IS ORDERED that Application No. 47398 is hereby dismissed without prejudice.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 24th day of MAY, 1966.

Fredrick B. Hallock  
President

W. E. Mitchell

George J. Crover  
Secretary

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Commissioners

Commissioner William M. Bennett, being necessarily absent, did not participate in the disposition of this proceeding.