SW

ORIGINAL

Decision No. 71064

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the rates, rules, regulations, operations, contracts, practices, services, facilities, equipment, securities, finances, and financial transactions of Vallecito Water Company, Suburban Water Systems, Calfin, Victoria Mutual Water Company, and San Gabriel Valley Water Company, corporations; and into certain transactions between said corporations and Camille A. Garnier, C. H. Dietz, Walker Hannon, R. H. Nicholson, Frederick R. Schumacher, William J. Hickey, Toll & Co., Security First National Bank, a corporation, (Whittier Branch), and Bank of America National Trust and Savings Association, a corporation.	Case No. 8086 (Filed December 15, 1964) Order to Show Cause Re Contempt (Filed May 10, 1966)

V. V. MacKenzie, for William W. Dunlop, affiant.
Howard, Prim, Smith, Rice & Downs, by Howard M. Downs, for William J. Hickey, respondent.

O P I N I O N

William J. Hickey was ordered to show cause why he should not be adjudged in contempt of the Public Utilities Commission and punished therefor according to law.[1/]

The order to show cause, issued May 10, 1966, recites the filing of an affidavit of William W. Dunlop, in which

---

1/ Calif. Const., Art. XII, Sec. 22; Public Utilities Code, Secs. 312 and 2113.

William J. Hickey, respondent, is charged with having contumaciously failed and refused to appear and testify before this Commission as commanded by a subpoena issued by this Commission and as ordered by the Presiding Officer at a hearing of the Commission.

A certified copy of the affidavit and order to show cause was personally served on respondent prior to the first hearing in this matter, which was held, after due notice, on June 1, 1966, at San Francisco, before Examiner Robert Barnett.

On June 1, 1966, the matter was called, but, because counsel for respondent was engaged in trial elsewhere and on motion of respondent, the matter was continued to June 2, 1966, at San Francisco. On June 2, 1966, the matter was again called but, because respondent was ill and could not personally attend and on motion of respondent, the matter was continued to June 9, 1966, at San Francisco. On June 9, 1966, the matter was again called but, because counsel for affiant was ill and on motion of affiant, the matter was continued to July 7, 1966, at Los Angeles.

The investigation on the Commission's own motion (Case No. 8086), from which this order to show cause re contempt arose, was set for further hearing at Los Angeles on July 7, 1966. On July 7, 1966, both the investigation and this order to show cause were called for hearing, Commissioner Frederick B. Holoboff presiding. The investigation proceeding was ordered to be heard first and the order to show cause to be heard immediately thereafter.

At the hearing of the investigation proceeding William J. Hickey was called, testified, and was cross-examined . After his testimony was completed, and no further testimony being offered in the investigation proceeding, the order to show cause re contempt was called. Respondent promptly made a motion to dismiss the order to show cause on the ground, among others, that respondent, by testifying fully in the investigation hearing, had purged himself of contempt.

In the exercise of our discretion, and considering respondent's testimony in the investigation proceeding, which is a mitigating factor, we find, under all the circumstances, that it is appropriate to dismiss this contempt proceeding.

O R D E R

IT IS ORDERED that the order to show cause re contempt of William J. Hickey is dismissed.

Dated at San Francisco, California, this 2nd day of AUGUST, 1966.

President

Commissioners