

ORIGINALDecision No. 71398

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations and services of Northwestern Pacific Railroad Company in connection with the Puerto Suello Tunnel, San Rafael, California.

Case No. 7907

ORDER DENYING REOPENING

The Cities of San Rafael, San Anselmo and Sausalito, California, the County of Marin, California, Marin County Development Association, Camgros Gravel and Fuel Co., Inc., Chris-Craft Sales of San Rafael, Colonial Wax Products Corporation of California, Golden Gate Distributing Co., Henry Hess Co., California Newspapers Inc. (San Rafael Independent Journal), McPhail Fuel Co., P.B.M. Inc., Rice Supply, Inc., A. G. Schoonmaker Co., Service Lumber Co., and Shamrock Materials, Inc., have filed a petition for the limited reopening of the proceedings in Case No. 7907 for the purpose of determining the extent of Northwestern Pacific Railroad Company's compliance with the previous orders of the Commission to reconstruct the Puerto Suello Tunnel. By order dated July 19, 1966, the Commission has extended the time for the completion of the tunnel to December 31, 1966, at the railroad's request. It must be noted that the time necessary to restore the Puerto Suello Tunnel has never heretofore been determined in this proceeding. As petitioners implicitly recognize, reconstruction is in progress. The railroad's response to the petition to reopen asserts that some

forty percent of the tunnel has been reconstructed as of September 16, 1966. The Commission's staff has made regular inspections of the work. The Commission has considered every allegation of the petition. Petitioners do not indicate in what manner the work of reconstruction could be expedited. The granting of such a petition is within the Commission's discretion. In view of the existing circumstances, the reopening of the proceeding, as requested by petitioners, does not appear warranted at the present time.

IT IS ORDERED that the said petition to reopen the proceedings in Case No. 7907 is hereby denied.

Dated at San Francisco, California, this 11th day of OCTOBER, 1966.

John E. Spink
 President
George T. Brewer
Fredrick B. Willyoff
William L. Bennett
 Commissioners

Commissioner A. W. Gatov, being necessarily absent, did not participate in the disposition of this proceeding.