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Decision No. 72798

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MAY KERWIN SMITH and SANTOS
PRODUCE, INC.,

Complainants,

vs.

THE WESTERN PACIFIC RAILROAD
COMPANY, a corporation, and
SAN FRANCISCO BAY AREA RAPID
TRANSIT DISTRICT,

Defendants.

Case No. 8578
Filed January 6, 1967

ORDER DISMISSING COMPLAINT

Complainants filed their complaint herein requesting an order of this Commission pursuant to the provisions of General Order No. 36-B suspending the effect of a written notice dated August 13, 1965, of intention to abandon the Western Pacific spur track serving the property of complainant, May Kerwin Smith, on C Street in Hayward, and also an order refusing to permit any change or abandonment of said spur track or of service thereon.

Subsequent to a prehearing conference attended by representatives of the complainants, the defendants and the Commission staff, and by Commissioner Symons and Examiner Cline, in San Francisco on April 17, 1967, the attorney for the defendant, The Western Pacific Railroad Company, by letter dated April 21, 1967, which is hereby made a part of the record herein as Exhibit No. 1, has withdrawn and rescinded the notice of removal of said spur track, dated August 13, 1965. By letter dated May 29, 1967, which is hereby made a part of the record herein as Exhibit No. 2, the

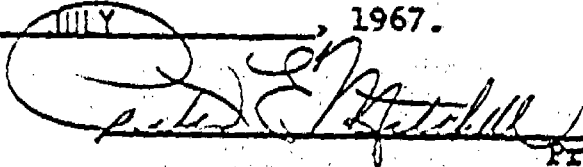
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attorney for complainants advised the Commission that the complaint herein has been satisfied and requested that it be dismissed without prejudice.


IT IS HEREBY ORDERED that the complaint herein, having been satisfied by the defendant, The Western Pacific Railroad Company, is hereby dismissed without prejudice.

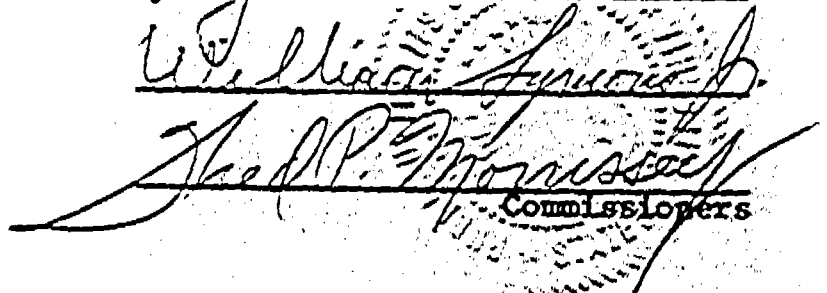
The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 24th day of JULY, 1967.



President





Commissioners

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