

Decision No. 74272

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

BYRON J. WALTERS, dba
TAHQUITZ LAKE WATER COMPANY,

Complainant,

vs.

COACHELLA VALLEY SAVINGS AND LOAN
ASSOCIATION, a corporation, CEDAR
GLEN DEVELOPMENT ASSOCIATION, a
corporation, HELEN B. NELSON, DAVID
S. PERRY, DAVID S. PERRY FOUNDATION,
a corporation,

Defendants.

Case No. 8676

ORDER OF DISMISSAL

The above complaint, filed August 16, 1967, alleges that complainant, a public utility, issued a promissory note and executed a trust deed, without having obtained authorization from the Commission as required by Public Utilities Code sec. 851. Complainant seeks an order declaring the note and trust deed void.

Pursuant to procedural Rule 12 copies of the complaint were sent to defendants, allowing time to point out any jurisdictional or other defects in the complaint. Statements of asserted defects were submitted on behalf of defendant Cedar Glen Development Association on September 5, 1967; on behalf of defendants D. S. Perry and David S. Perry Foundation on September 1, 1967; and on behalf of Coachella Valley Savings and Loan Association on September 5, 1967.

Complainant's counsel were apprised of these statements, and by letter of October 2, 1967 were requested to advise whether complainant wished to amend the complaint, rely on the present pleading, or request dismissal.

By letter of November 9, 1967 complainant advised that "we

desire to file an amendment to the complaint which we are now preparing." A letter of February 2, 1968 to complainant's counsel noted that no amendment had been filed. There has been no further response from complainant or complainant's counsel.

Case No. 8676 is dismissed.

Dated at San Francisco, California, this 25th day of JUNE, 1968.

[Signature]
President
[Signature]

[Signature]
[Signature]
Commissioners

Commissioner A. W. GATOV

Present but not participating.