

Decision 87-11-009 November 13, 1987

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 Our Town Water Company, for a )  
 Certificate of Convenience and )  
 Necessity to operate a Public Utility )  
 Water System, pursuant to Section 1001 )  
 P.U. Code; to establish rates. )

Application 85-02-024  
(Filed February 6, 1985)

ORDER OF DISMISSAL

By this application Our Town Water Company (applicant) requests a Certificate of Public Convenience and Necessity (CPCN) to operate as a public utility providing water service to a development that would eventually serve approximately 4,000 customers in an area located near the City of Paso Robles in San Luis Obispo, California.

By letter dated April 9, 1985 the Commission's Water Utilities Branch advised of deficiencies in the application and requested applicant to provide the information to comply with Rule 18 of the Commission's Rules of Practice and Procedure. On June 20, 1985 applicant advised the staff that it had made a request of the Chairman of the San Luis County Board of Supervisors that the county provide water service to the development and asked that the application be held pending a decision by the Board of Supervisors.

Having heard nothing for two years, on June 24, 1987 the Water Utilities Branch again wrote applicant pointing out the application's deficiencies, requesting a reply by July 24, 1987, and warning that it would recommend dismissal of the application for lack of prosecution absent such timely reply.

Applicant responded to the June 24, 1987 letter on July 14, 1987 stating contact would be made with the Los Angeles Office to discuss the application.

On September 22, 1987 the Water Utilities Branch again wrote applicant asking for a response with respect to compliance with Rule 18.

By letter dated October 2, 1987 applicant responded to the latest staff inquiry stating that the delay in providing the necessary information was due to pending litigation and continued frustration in attempts to conclude various problems with the City of Paso Robles and Chandlers Palos Verdes Sand & Gravel Co. Applicant again requested that the application be held in abeyance until it was in a position to proceed.

Since the applicant cannot provide the information necessary to proceed with the application and has no idea when the needed information may be available we conclude that the staff request to dismiss the application without prejudice for lack of prosecution should be granted. A new application would be in order when the applicant is ready to proceed.

IT IS ORDERED that Application 85-05-024 is dismissed without prejudice.

This order becomes effective 30 days from today.

Dated NOV 13 1987, at San Francisco, California.

STANLEY W. HULETT  
President  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OGHANIAN  
Commissioners

Commissioner Donald Vial, being necessarily absent, did not participate.

WHAT THIS DECISION  
DO BY THE ABOVE  
RS TODAY

*[Signature]*  
Vital Weissert, Executive Director

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