

ALJ/ANW/wav

Decision 97-10-036

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of the Southern Pacific Transportation Company to Consider Penlon Properties' Request for a Private Crossing Pursuant to Section 7537 of the Public Utilities Code.

Application 92-03-023
(Filed March 10, 1992)

ORDER OF DISMISSAL

ORIGINAL

On March 10, 1992, Southern Pacific Transportation Company (applicant), filed the instant application resulting from a private property owner's request for a private crossing of applicant's railroad track in Santa Clarita, California. No protests were filed. However, on April 8, 1992, applicant notified the Administrative Law Judge (ALJ) that Penlon Properties and applicant were in settlement negotiations that could lead to dismissal of the application at its request. Therefore, the ALJ was requested to suspend any action on the application.

Further reports from applicant stated that the parties were still negotiating a settlement of any underlying lawsuit, and that applicant still requested the application remain on file with action suspended until the lawsuit was settled or concluded. Applicant now reports that the underlying lawsuit has been settled and the application may be dismissed without prejudice. On September 22, 1997, applicant filed a motion to withdraw the application and dismiss the application without prejudice.

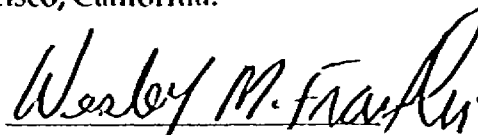
The motion should be granted.

IT IS ORDERED that:

1. Upon written request of applicant, Application 92-03-023 is dismissed without prejudice under Public Utilities Code Section 308 and Resolution A-4638, effective today.

2. Application 92-03-023 is closed.

Dated OCT 14 1997, at San Francisco, California.



WESLEY M. FRANKLIN
Executive Director