

ALJ/BRS/jva

Decision 98-11-007 November 5, 1998

Mailed 11/5/98

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Westhaven Cotton Company,

Complainant,

vs.

Southern California Gas Company,

Defendant.

Case 98-05-025
(Filed May 8, 1998)

O P I N I O N

Background

This complaint case was filed by complainant Westhaven Cotton Company (Westhaven) on May 8, 1998, questioning its contract obligations with defendant Southern California Gas Company (So Cal Gas). Prior to the scheduled prehearing conference which was to be followed by evidentiary hearing, complainant's attorney requested that the matter be removed from the hearing calendar in order to allow time for the parties to pursue possible settlement of the complaint. Settlement has now been achieved, and Westhaven has filed a motion to dismiss the complaint, with prejudice, and to release to defendant the funds it deposited with the Commission in this matter.

Discussion

The issue raised in the complaint has now been resolved to the satisfaction of both complainant and defendant, due to an accord reached between the parties. Therefore a hearing is no longer needed in this matter, and the amount

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deposited at the Commission by complainant, \$5,839.19, should be disbursed to defendant.

We will dismiss this complaint and close the proceeding in the order that follows:

Findings of Fact

1. Westhaven filed a motion on August 27, 1998 to dismiss the complaint with prejudice and release the funds on deposit.
2. The issues in this case have been resolved by the accord reached between Westhaven and So Cal Gas.
3. There is no need for a hearing in this matter.
4. Westhaven has \$5,839.19 on deposit at the Commission.

Conclusions of Law

1. This case should be dismissed with prejudice.
2. The amount Westhaven deposited at the Commission should be disbursed to So Cal Gas.
3. This proceeding should be closed.

O R D E R

IT IS ORDERED that:

1. Case 98-05-025 is dismissed with prejudice.
2. The Commission Fiscal Office shall disburse the amount of \$5,839.19 on deposit in this proceeding to defendant Southern California Gas Company.
3. This proceeding is closed

This order is effective today.

Dated November 5, 1998, at San Francisco, California.

RICHARD A. BILAS
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
Commissioners

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