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MAIL DATE

4/23/99

Decision 99-04-074

April 22, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

West San Martin Water Works, Inc.,

Complainant,

vs.

San Martin County Water District,

Defendant.

Case 96-06-042
(Filed June 24, 1996)

**ORDER DISMISSING THE APPLICATION FOR REHEARING
OF DECISION 97-02-040**

Today, in Decision (D.) 99-04-057 we approved the Application of West San Martin Water Works, Inc. (WSMWW) for authority to sell a portion of its water system to the San Martin County Water District (District). The Decision notes that the parties have entered into a Sale and Purchase Agreement by which the District would purchase the mains and acquire 10 customers from WSMWW. This agreement resolves all issues and disputes previously addressed by D.97-02-040, which is the subject of an unresolved application for rehearing by the District. D.99-04-057 therefore vacates D.97-02-040. Since D.97-02-040 is now vacated, we accordingly dismiss the District's application for rehearing of D.97-02-040 as moot.

IT IS ORDERED that:

1. The Application for Rehearing of D.97-02-040 is dismissed as moot.

2. Case 96-06-042 is closed.

This order is effective today.

Dated April 22, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEPPER
Commissioners