

Decision No. 43099

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )	
HARRY E. RUGG (CALIFORNIA PACKAGE )	
EXPRESS) for authority to operate )	
an express corporation, in the trans- )	Application No. 29065
portation of property between San )	
Francisco and Los Angeles and other )	
points in Southern California. )	

ORDER OF DISMISSAL

WHEREAS, by application filed in this proceeding on February 6, 1948, Sydney B. Kiek and Morley M. Kiek, copartners, sought a certificate of public convenience and necessity authorizing the establishment of operations as an express corporation between certain points in Northern and Southern California;

WHEREAS, after said application was set for hearing at San Francisco on March 26, 1948, the date of the hearing was reset on two occasions and the proceeding was temporarily removed from the Commission's calendar upon applicants' request;

WHEREAS, by a second amended application, filed August 7, 1948, Harry E. Rugg was substituted for the copartnership as the applicant herein, and hearings upon the application, as amended, were held before Examiner Bradshaw at San Francisco on October 13, 14 and 15, 1948;

WHEREAS, after subsequent hearings were reset on two additional occasions, the proceeding was again temporarily removed from the calendar pursuant to a request of applicant's attorney, dated January 4, 1949; and

WHEREAS, applicant's attorney was notified in writing on March 15, 1949, that in view of the length of time the proceeding has been pending consideration will be given to the entry of an

order of dismissal unless the Commission is informed within 30 days whether the applicant is ready to proceed with the presentation of further evidence, and no reply has been received to said communication. Therefore,

IT IS ORDERED that the application, as amended, in the above-entitled proceeding be and it is hereby dismissed for want of prosecution.

This order shall become effective 20 days after the date hereof.

Dated at San Francisco, California, this 6<sup>th</sup> day of July, 1949.

R. E. Johnson

August Kuehl

Harold P. Hill

Herbert D. Potter

COMMISSIONERS