

Decision No. 52406**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Investigation into)
 the rates, rules, regulations,)
 charges, allowances and practices of)
 all common carriers, highway carriers)
 and city carriers relating to the)
 transportation of general commodities)
 (commodities for which rates are pro-)
 vided in Minimum Rate Tariff No. 2).)

Case No. 5432
 (Petition No. 64)

Charles R. Wise, for petitioners;
Russell Bevans, for Draymen's Association
 of San Francisco; Maurice Owens, for
 Alameda County Draymen's Association;
 and Preston Davis, for United Parcel
 Service, protestants;
Philip A. Winter, for Delivery Service Co.;
 and Edward J. Maurer, for General
 Delivery Service, interested parties;
A. R. Day and J. W. Mallory, for the
 Commission staff.

ORDER OF DISMISSAL

By Petition for Modification No. 64, as amended, filed July 15, 1955, in Case No. 5432, Charles R. Wise and John L. Boot, a partnership doing business as Comet Lines, seek authority, as a highway contract carrier, to transport property for Sharp and Dohme between San Francisco and points on the San Francisco peninsula, at a rate less than that established as minimum.

A public hearing of the petition was called by Examiner Carter R. Bishop at San Francisco on August 23, 1955, but no evidence was offered. At the hearing, petitioners stated that they were not ready to proceed and requested that the matter be temporarily removed from the Commission's calendar to enable them to complete their preparation of evidence, which they proposed to offer at an adjourned hearing. The request was granted.

On October 24, 1955, the Commission, having received no advice from petitioners since the date of hearing, wrote to them inquiring whether it was their intention to proceed with the petition. On November 29, 1955, no reply to said letter of October 24, 1955, having been received, the Commission informed petitioners that, unless advice to the contrary was received by December 10, 1955, it would be assumed that petitioners did not desire to prosecute the matter further and that the petition herein would be subject to dismissal.

The Commission has received no reply to said letter of November 29, 1955. Therefore, good cause appearing,

IT IS HEREBY ORDERED that Petition for Modification No. 64, as amended, in Case No. 5432 be and it is hereby dismissed.

Dated at San Francisco, California, this 28th day of December, 1955.

John E. Mitchell
President
Justus J. Calmes
Paulo Gutierrez
William D. Dooly

Commissioners

Commissioner Rex Hardy, being necessarily absent, did not participate in the disposition of this proceeding.