

Decision 84 02 027

FEB 1 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application of)
Nina Johnson and Sharon Brandt,)
doing business as BND Charter,)
for a Class B charter bus certificate)
from home terminal in Downey, CA.)

Application 83-08-51
(Filed August 18, 1983)

ORDER OF DISMISSAL

Nina Johnson and Sharon Brandt, a partnership doing business as B.N.D. Charter Transportation, seek authority to operate as a Class "B" charter bus carrier of passengers from their headquarters at 7522 Finevalle Drive, Downey. Applicants propose to provide this service using one 1974 19-passenger Flexi bus, which they lease.

Notice of the filing of the application appeared on the Daily Transportation Calendar dated August 25, 1983. No protests have been received.

On September 22, 1983 the assigned administrative law judge (ALJ) notified applicants by letter that their application was void of any facts showing that the proposed operation was required by public convenience and necessity. In addition, the ALJ requested clarification of certain information contained in the application. No response was received by the ALJ.

During the months of October and November, the ALJ attempted to contact applicants at the telephone number listed in the application and was informed by the telephone company intercept operator that the number was no longer in service and that there was no new number for the subscriber. Attempts

to obtain a new phone number for applicants through the information operator proved unsuccessful. On November 18, 1983 the ALJ directed a letter to applicants informing them that there had been no reply to his September 22, 1983 letter and that attempts to contact them by telephone had been unsuccessful. The ALJ informed applicants that unless the information requested in the September 22, 1983 letter was received by December 2, 1983, their application would be dismissed. As of December 12, 1983 no response has been received from applicants.

Since the application is incomplete, attempts to contact applicants have been unsuccessful, and applicants failed to respond to the letters of the ALJ, the application should be dismissed.

Findings of Fact

1. Application 83-08-51 is incomplete and, among other things, fails to state any facts showing public convenience and necessity.

2. Attempts to contact applicants by telephone have been unsuccessful.

3. Applicants have not responded to two letters sent by the ALJ for clarification of the application and for the additional information necessary to show public convenience and necessity.

Conclusion of Law

Public convenience and necessity have not been demonstrated; therefore, Application 83-08-51 should be dismissed without prejudice.

IT IS ORDERED that Application 83-08-51 is dismissed without prejudice.

This order becomes effective 30 days from today.

Dated FEB 1 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.

President

VICTOR CALVO

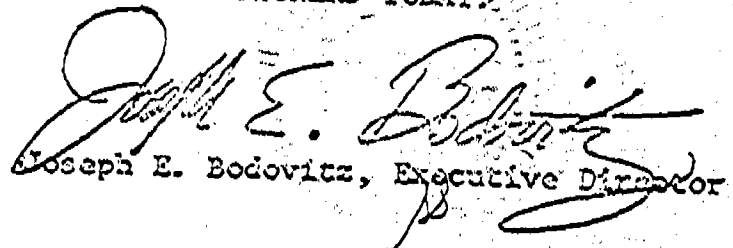
PRISCILLA C. GREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director