

Decision 87 10 017

OCT 16 1987

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Terry Smith Trucking, Inc., for )  
authority to obtain a cement contract) )  
carrier permit to operate statewide. )

Application 86-09-014  
(Filed September 12, 1986)

**ORIGINAL**

ORDER OF DISMISSAL

This application was filed on September 12, 1986. Applicant requested a cement contract carrier permit to authorize operation throughout the entire State of California. Fifteen protests were filed and applicant failed to appear at the hearing in San Diego scheduled on January 6, 1987. Applicant explained his failure to appear by stating that he had been advised his appearance would not be required.

After a telephone conversation he amended his application to request only the County of San Diego. Most of the protestants withdrew, although 8 carriers operating out of San Diego continued in opposition to the grant of the application. A second hearing was scheduled in Los Angeles on April 28, 1987. Applicant was present but did not have the required shipper witness. He claimed that he did not realize a witness was needed. A further continuance was granted to provide time for applicant to obtain the necessary witness and advise the Commission to reschedule the hearing.

Applicant failed to contact the Commission for a period of 3-1/2 months. A letter was mailed to the applicant on August 10, 1987 to advise that his application would be recommended for dismissal unless he contacted the assigned ALJ at the telephone number or address given in the letter on or before August 21, 1987. There has been no contact or reply, and the application should be dismissed for want of prosecution.

IT IS ORDERED that Application A.86-09-014 is dismissed without prejudice.

This order is effective today.

Dated OCT 16 1987, at San Francisco, California.

STANLEY W. HULETT  
President

DONALD VIAL  
FREDERICK R. DUDA  
G. MITCHELL WILK  
Commissioners

Commissioner John B. Ohanian, being necessarily absent, did not participate.

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

  
Victor Weissert, Executive Director