

Decision 88 05 019 MAY 11 1988

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ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
MAGDY M. AWAD to Transfer to MIKE'S)
AIRPORT SHUTTLE, INC., a California)
corporation, the Passenger Stage)
Corporation Business Currently)
Operated by MAGDY M. AWAD Under)
Authority of Decision No. 85-07-074.)

Application 87-07-047
(Filed July 31, 1987)

ORDER OF DISMISSAL

Applicant Magdy M. Awad requests authority under Public Utilities (PU) Code Section 854 to transfer his certificate of public convenience and necessity (CPC&N) to Mike's Airport Shuttle, Inc. (Mike's).

Applicant currently operates a passenger stage bus service between the Vagabond Inn, the Miyako Inn, the Royal Inn, all located in Glendale, and the Travel Lodge, located in Los Angeles, on the one hand, and the Los Angeles International Airport (LAX), on the other hand, on a scheduled on-call basis, seven days per week. Mike's does not currently operate any business subject to the jurisdiction of the Public Utilities Commission (PUC).

A protest to the application was filed by the City of Los Angeles Department of Transportation on August 4, 1987.

On August 18, 1987, the Commission's Transportation Division, in a letter to applicant, sought additional information and clarification with respect to Application (A.) 87-07-047. There was no response to the letter from applicant. On September 28, 1987, the Transportation Division advised applicant by letter that if no response was received from applicant with respect to the August 18, 1987 letter, staff would recommend dismissal of the application. On December 21, 1987, staff filed a supplemental advice of participation, indicating that applicant still had not

replied to its August 18, 1987 letter and stating that applicant had not paid the PUC Transportation Reimbursement Account fees (PUCTRA) and was also delinquent in filing annual reports as required by General Order (GO) 104. Staff advised that on October 22, 1987, applicant's attorney informed the staff that he would file an amendment to A.87-07-047 by the end of October. On November 23, 1987, staff reminded the attorney about filing the amendment; but as of December 21, 1987, no amendment had been received. Staff recommended that the application be denied and that the Compliance and Enforcement Branch of the Transportation Division be ordered to investigate applicant with respect to the lack of the PUCTRA payments.

On March 15, 1988, staff advised the assigned administrative law judge (ALJ) that it had made numerous attempts to clarify the application. Staff believes that applicant has apparently relinquished all efforts to pursue the application. Staff requests that the application be dismissed.

On March 25, 1988, the ALJ contacted applicant's attorney and indicated that recommendation would be made for dismissal of A.87-07-047. The attorney requested that the dismissal be without prejudice.

Inasmuch as numerous attempts have been made to have applicant amend his application and furnish the staff with additional information, and since applicant has failed to pay PUCTRA fees and is delinquent in filing annual reports as required by GO 104, A.87-07-047 should be dismissed.

Findings of Fact

1. All efforts by the Commission staff to obtain further clarification and information with respect to A.87-07-047 have failed.
2. Applicant has failed to pay his PUCTRA fees.
3. Applicant is delinquent in filing his annual report as required by GO 104.

4. Applicant has failed to file an amended application.
5. Applicant's attorney has no objection to the dismissal of this application without prejudice.

Conclusion of Law

Since applicant has failed to supply additional information with respect to A.87-07-047, has failed to pay PUCTRA fees, and is delinquent in filing his annual report, the application should be dismissed.

IT IS ORDERED that:

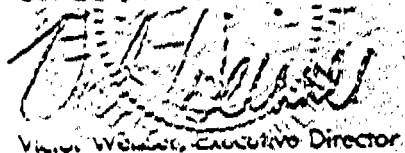
1. Application 87-07-047 is dismissed without prejudice.
2. The Compliance and Enforcement Branch of the Transportation Division is ordered to investigate Magdy M. Awad for failure to pay the Public Utilities Commission Transportation Reimbursement Account fees and for failure to file an annual report with the Commission.

This order is effective 30 days from today.

Dated MAY 11 1988, at San Francisco, California.

STANLEY W. HULETT
President
DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

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



Victor W. Winters, Executive Director