

SEP 14 1988

Decision 88 09 631 SEP 14 1988**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Beverly Hills First)
 Livery Service, Inc. for Certificate)
 of Public Convenience and Necessity) Application 87-12-017
 to Operate a Passenger/Baggage) (Filed December 8, 1987)
 Service Between the L'Ermitage Hotel)
 Group and LAX Airport and Burbank)
 Airport.)

James Gaffner, Attorney at Law, for Beverly
 Hills First Livery Service, Inc., applicant.
K. D. Walpert, for S. E. Rowe, Department of
 Transportation, City of Los Angeles, protestant.
Vijay Khawani, for the Transportation Division.

OPINION

Beverly Hills First Livery Service, Inc. (First Livery), a California corporation seeks on-call passenger stage authority between the L'Ermitage Hotel Group in Beverly Hills and the Los Angeles International and Burbank airports. At the time of filing, applicant was providing limousine and sedan service for these hotels under charter-party permit TCP-4088-P and wished to supplement its service on a per capita-fare basis.

A duly noticed public hearing was held before Administrative Law Judge Orville I. Wright in Los Angeles on March 22, 1988.

Transportation Division (staff) attended the hearing and provided information that applicant had no evidence of insurance on file for its charter-party permit (TCP-4088-P) for the period from December 14, 1987 to February 12, 1988 and was delinquent in paying Public Utilities Commission Transportation Reimbursement Account (PUCTRA) fees. Applicant agreed to augment the record with a late-filed exhibit curing its admitted deficiencies and orally waived

the filing of and comment on the proposed decision (Rule 77.1, Rules of Practice and Procedure).

On April 29, 1988, applicant had not tendered evidence of insurance, and staff advised First Livery that it would recommend dismissal of its application if nothing was done by May 15, 1988.

Staff's June 2, 1988 letter recites its continuing unavailing efforts to have applicant submit its promised insurance verification, and recommends dismissal of the application. On July 28, 1988, staff advised that TCP 4088-P expired on April 3, 1988 for want of filing evidence of insurance and payment of PUCTRA fees.

Finding of Fact

Applicant has failed to prosecute this matter with reasonable diligence.

Conclusion of Law

The application should be dismissed.

ORDER

IT IS ORDERED that Application 87-12-017 is dismissed.

This order is effective today.

Dated SEP 14 1988, at San Francisco, California.

STANLEY W. HULETT
President

DONALD VIAL
FREDERICK R. DUDA
C. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

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


Victor Weisser, Executive Director