

Decision 89 11 023 NOV 3 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Power Developers, Inc.,)
)
 Complainant,)
)
 vs.)
)
 San Diego Gas & Electric Company,)
)
 Defendant.)

Case 85-05-099
(Filed May 22, 1985;
amended July 9, 1985)

ORDER OF DISMISSAL

This case has been held in abeyance while the complainant, Power Developers, Inc. (PDI), and San Diego Gas & Electric Company (SDG&E) awaited the Commission's decision in the Southwest Power Link (SWPL) rehearing. At the March 20, 1986 prehearing conference, the assigned Administrative Law Judge (ALJ) directed the following:

"Counsel for SDG&E and PDI will meet and consult after the Commission's decision on the SWPL application for rehearing is granted and inform the Administrative Law Judge as to whether another prehearing conference should be set or hearing time reserved." (Transcript at 42.)

In Decision (D.) 86-06-026, the Commission granted rehearing of D.85-12-108. On February 24, 1989, the Commission issued D.89-02-074 which, among other things, eliminated the SWPL balancing account mechanism.

Because considerable time had elapsed since the filing of this complaint and subsequent prehearing conference, on August 10, 1989, the ALJ sent a certified letter to William H. Booth, counsel for PDI. The letter stated that the complaint would be dismissed for lack of prosecution unless Booth contacted her by August 31, 1989. No response has been received from Booth.

Finding of Fact

The complainant has failed to prosecute its complaint.

Conclusion of Law

The complaint should be dismissed for lack of prosecution.

IT IS ORDERED that the complaint is dismissed.

This order becomes effective 30 days from today.

Dated NOV 3 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. CHANAN
PATRICIA M. ECKERT
Commissioners

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

Wesley Franklin
WESLEY FRANKLIN, Acting Executive Director
JB