

DEC 27 1990

Decision 90-12-111 December 27, 1990

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of: Andre Guiton dba )  
Guiton Charter Bus Service with )  
respect to Passenger Stage ) Application 88-11-046  
Corporation Certificate of Public ) (Filed November 23, 1988)  
Convenience and Necessity )  
Number 1257. )

ORDER OF DISMISSAL

The certificate of public convenience and necessity authorizing operations as a passenger stage corporation held by Andre Guiton was revoked, on February 11, 1988 for failure to pay Transportation Rate Fund Fees.

This application requesting reinstatement of the authority was filed alleging the following:

"The necessity for this Petition has been caused by the following facts and events:

- "A. The Authorities under PSC 1257 have been issued in the name of 'Andre Guiton, doing business as Guiton Charter Bus Service.
- "B. Andre Guiton died on September 27, 1983.
- "C. Andre Guiton's will provided for a Life Estate for his bother [sic] Joe in the company.
- "D. Life Estates in operating bus companies and certificates are not frequently encountered.
- "E. Andre's widow, Elmerrean Guiton, elected to assert her community property rights in the Estate of Andre Guiton as to 1/2 of the Estate.
- "F. The Estate of Andre Guiton has yet to be settled.

- "G. On February 11, 1988, PSC 1257 was revoked for failure to pay PUCTRA fees.
- "H. A partial payment of PUCTRA fees for both PSC 1257 and TCP 212-A were made on October 27, 1988.
- "I. A Reinstatement Application has been filed for TCP 212-A on November 21, 1988.
- "J. The assistance of an attorney familiar with the Commission's procedures in bus matters was not sought until late September 1988.
- "K. Petitioner has been advised that the correct legal name for this business entity, until such time as the Estate of Andre Guiton is settled, is:

"Elmerrean Guiton as to 1/2/ interest, and the personal representative of the Estate of Andre Guiton, deceased (Alameda County probate number 222956-4), as to the other 1/2 interest, doing business as Guiton Charter Bus Service.

"Under the unique circumstances presented in this matter, it is urged that this certificate be reinstated."

Since the filing of the application, members of the Commission's Transportation Division and Legal Division staffs have been actively engaged in attempting to bring this matter to a satisfactory conclusion.

By letter dated October 17, 1990, Legal Staff Counsel advised as follows:

"This is to advise that there appears to be no interest on the part of the applicant in pursuing the above identified matter. Neither the estate of Mr. Guiton, owner of Guiton Charter Line (Guiton), nor Mr. Oranza Wiley, the recent purchaser of buses owned by Guiton, have contracted us to pursue transfer or activation of the class 'A' held in the name of Guiton. On several occasions, Transportation Division Staff and Staff Counsel have contacted

representatives of Gulton and Mr. Oranza Wiley to inquire regarding their intentions and to warn that the pending application could be dismissed if there is no affirmative demonstration of interest on their part. Enclosed are copies of correspondence de notice that the viability of this application is in jeopardy. Staff has no interest in keeping this application open."

The Commission finds that applicant no longer desires to pursue this application and concludes that it should be dismissed for lack of prosecution.

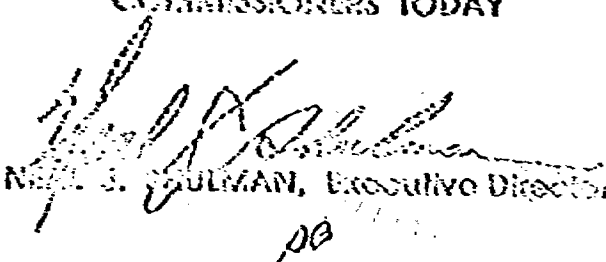
IT IS ORDERED that Application 88-11-046 is dismissed.

This order becomes effective 30 days from today.

Dated December 27, 1990, at San Francisco, California.

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

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

  
NEIL S. SULMAN, Executive Director