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Decision 91-01-015 January 15, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Kern Franklin, )  
 )  
 Complainant, )  
 )  
 vs. )  
 )  
 L. A. Cellular, )  
 )  
 Defendant. )

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**ORIGINAL**

(ECP)  
Case 90-09-020  
(Filed September 10, 1990)

Michael P. Kennedy and Elaine Garrett, for  
Los Angeles Cellular Telephone Company,  
defendant.

ORDER OF DISMISSAL

This is an Expedited Complaint Procedure pursuant to Public Utilities Code Section 1702.1 and Rule 13.2 of the Commission's Rules of Practice and Procedure.

Defendant having answered the complaint, a duly noticed public hearing was convened before Administrative Law Judge (ALJ) Orville I. Wright in Palm Springs on November 19, 1990. Complainant did not appear at the hearing.

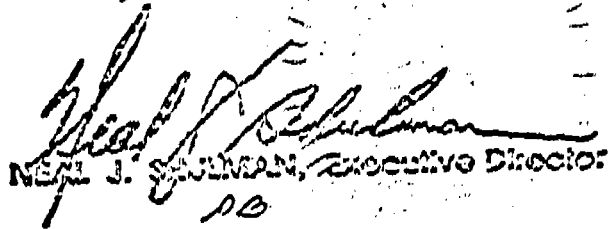
After waiting approximately 45 minutes for complainant to make an appearance, and after an unanswered telephone call to complainant's home, the ALJ adjourned the hearing. No communication has been received from complainant since the time of the adjourned hearing.

We conclude that Kern Franklin has failed to prosecute his complaint with reasonable diligence.

IT IS ORDERED that Complaint 90-09-020 is dismissed.  
This order is effective today.  
Dated January 15, 1991, at San Francisco, California.

PATRICIA M. ECKERT  
President  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

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

  
NEAL J. SHULMAN, Executive Director  
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