

Mailed
APR 24 1991

Decision 91-04-049 April 24, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Kern Franklin, an individual,)
)
 Complainant,)
)
 vs.)
)
 Pac Tel Cellular,)
)
 Defendant.)
 _____)

ORIGINAL

(ECP)
Case 90-08-060
(Filed August 27, 1990)

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's answer was filed October 1, 1990.

This complaint is similar, except for the named defendant, to Case 90-09-020, filed September 10, 1990, which was dismissed for failure to prosecute after complainant failed to appear at the duly noticed hearing in Palm Springs (Decision 91-01-015, January 15, 1991).

Because of the similarity, on January 24, 1991, the administrative law judge wrote a letter to complainant asking him if he wanted a hearing and, if so, when and where complainant would prefer such a hearing. No response has been received.

Finding of Fact

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

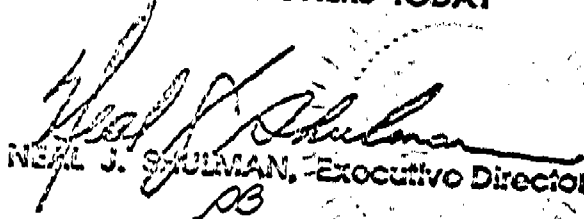
Conclusion of Law

The complaint should be dismissed.

IT IS ORDERED that Complaint 90-08-060 is dismissed.
This order becomes effective 30 days from today.
Dated April 24, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SCHULMAN, Executive Director
03