

Mailed

APR 24 1991

Decision 91-04-055 April 24, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of United Telesystems, Inc. for a )  
Certificate of Public Convenience )  
and Necessity to operate as a )  
reseller of Telecommunications )  
Services within California. )

**ORIGINAL**  
Application 90-11-006  
(Filed November 2, 1990)

ORDER OF DISMISSAL

In December 1990, the assigned administrative law judge (ALJ) wrote twice to United Telesystems, Inc., (applicant), directing it to amend its application to comply with the financing requirement set by the Commission for telecommunications resellers in Decision (D.) 90-08-032 in Rulemaking (R.) 85-08-042.<sup>1</sup> Applicant responded by telephone to the ALJ's letter of December 5, 1990. However, it did not respond to the ALJ's letter of December 17, 1990. No letter or telephone call has been received from applicant; and no amendment to the application has been filed.

On February 28, 1991, the ALJ wrote again to applicant demanding a response to the December 17, 1990 letter by March 15, 1991, or, failing a response, the ALJ would recommend to the Commission that the application be dismissed for lack of prosecution. Applicant has not replied.

We find that the applicant has not prosecuted its application with due diligence; and we conclude that the application should be dismissed for lack of prosecution.

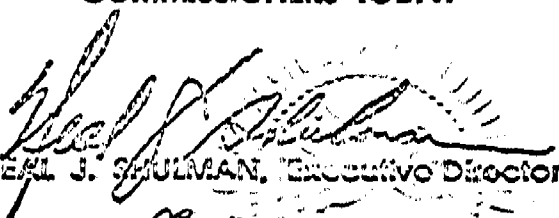
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1 The 1990 requirement is a minimum of \$400,000 in cash or equivalent financial resources for new applicants seeking certificates of public convenience and necessity to become nondominant interexchange carriers. (Id., mimeo. p. 34.)

IT IS ORDERED that the application 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. SHULMAN, Executive Director  
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