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Decision 91-06-004 June 5, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Delta Telephone for a Certificate)
of Convenience and Necessity to)
Operate as a Re-seller of)
Telecommunications Services within)
California.)

ORIGINAL
Application 91-01-021
(Filed January 22, 1991)

ORDER OF DISMISSAL

Delta Telephone (applicant), a Nevada corporation, seeks a certificate of public convenience and necessity authorizing it to provide intrastate and interstate long-distance telephone service from points within the state of California.

On March 13, 1991, the Administrative Law Judge (ALJ) wrote to applicant requesting additional information regarding applicant's compliance with Decision (D.) 90-08-032, dated August 7, 1990, in Rulemaking (R.) 85-08-042. Applicant had not alleged facts showing its compliance with the \$400,000 cash requirement in D.90-08-032; nor had it alleged facts showing its compliance with the new requirements of D.90-08-032 regarding technical expertise.

In addition, the ALJ advised the applicant that it had failed to comply with Rules 18(f) and 18(g) of the Rules of Practice and Procedure. Applicant had failed to alleged facts showing the economic feasibility of its proposed operation and its financial ability to render the proposed service and to finance the cost of its operation. The ALJ concluded his letter as follows:

"Please let me know what your intention are regarding this application. If I do not hear from you by the end of March, I will assume that you have abandoned the application and I will recommend to the Commission that it be dismissed for lack of prosecution."

As of April 18, 1991, applicant had not responded to the ALJ's letter, either by telephone or letter. It appears that applicant does not intend to comply with the Commission's regulations; and it has, accordingly, abandoned the application. The application should, therefore, be dismissed for lack of prosecution.

IT IS ORDERED that the application is dismissed for lack of prosecution.

This order becomes effective 30 days from today.

Dated June 5, 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. SULMAN, Executive Director