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Decision 91-08-028 August 7, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

IN RE: APPLICATION OF ROBERT CEFAIL)
& ASSOCIATES AMERICAN INMATE)
COMMUNICATIONS, INC. TO OPERATE AS)
A RESELLER OF INTEREXCHANGE)
TELECOMMUNICATIONS SERVICES AND)
OPERATOR SERVICES WITHIN THE STATE)
OF CALIFORNIA.)

ORIGINAL
Application 90-10-020
(Filed October 4, 1990)

ORDER OF DISMISSAL

Robert Cefail & Associates American Inmate Communications, Inc. (applicant) seeks the issuance of a certificate of public convenience and necessity authorizing it to operate as a reseller of telecommunications services and operator services.

On January 10, 1991 the administrative law judge (ALJ) wrote to applicant to inform it of several deficiencies in the application and of the means by which such deficiencies could be corrected. Among other things, the ALJ directed the applicant to demonstrate conformance with the Commission's requirement that for 1990, such applicants possess at least \$400,000 unencumbered cash or equivalent financial resources. (See Decision 90-08-032.)

Having received no communication from applicant, the ALJ again wrote to applicant on March 6, 1991. The ALJ advised the applicant that if no response was received by March 29, 1991 the application would be made subject to dismissal for lack of prosecution. Responding to the March 6 letter, a representative of applicant's regulatory consultant telephoned the ALJ on March 15, 1991, advising the ALJ that it would prepare a written response to the ALJ's first letter.

On March 20, 1991 the consultant's representative again telephoned the ALJ. On this occasion the representative stated that she had misplaced the consultant's copy of the ALJ's January 10, 1991 letter. The ALJ arranged for facsimile transmission of a copy of the letter. Later in the day on March 20 the representative telephoned the ALJ to acknowledge receipt of the facsimile copy.

On April 25, 1991, another representative of applicant's consultant telephoned the ALJ. He stated that he had replaced the first representative. He told the ALJ that he had assembled all of the information necessary to respond to the January letter, and was prepared to forward it to the Commission if it would still be accepted. The ALJ informed him that in view of the earlier problems, applicant's written response would be accepted if submitted forthwith.

No further communications from applicant or applicant's consultant have been received since April 25. More than 75 days have passed since the last communication, and the applicant has never responded in writing to the ALJ's January 10, 1991 letter. We find that applicant has not prosecuted the matter with due diligence. The application should be dismissed for lack of prosecution.

IT IS ORDERED that the application is dismissed.

This order becomes effective 30 days from today.

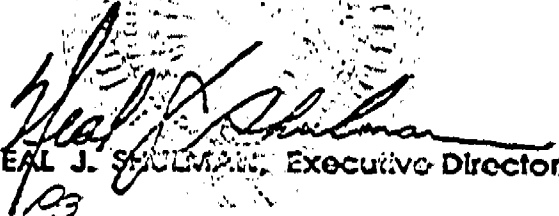
Dated August 7, 1991, at San Francisco, California.

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

Commissioner Daniel Wm. Fessler,
being necessarily absent, did
not participate.

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

- 2 -


NEAL J. SCHULMAN, Executive Director