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Decision 92-03-013 March 11, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
Sierra Telecommunications, Inc., For
a Certificate of Public Convenience
and Necessity to Operate as a
Reseller of Telecommunications
Services within California.

ORIGINAL
Application 91-07-047
(Filed July 31, 1991)

OPINION

Sierra Telecommunications, Inc. (Sierra), a Nevada corporation, requests the issuance of a certificate of public convenience and necessity authorizing it to operate as a reseller of long-distance operator-assisted services in California.

On October 8, 1991 and again on October 18, 1991, the Administrative Law Judge (ALJ) wrote to Sierra to inform it of various Commission requirements which were not met in the application. The letters informed Sierra of the means by which the deficiencies could be corrected. Among other things, the ALJ directed Sierra to demonstrate conformance with the Commission's requirement that, for 1991, prospective resellers possess at least \$420,000 in unencumbered cash or equivalent financial resources as required by Decision (D.) 90-08-032. The ALJ furnished his telephone number and requested that Sierra advise him if it could not meet the requirements within 45 days.

The ALJ sent a third letter on October 28, 1991, advising Sierra that, on October 23, 1991, the Commission modified D.90-08-032 with the issuance of D.91-10-041. The ALJ furnished a copy of D.91-10-041 to Sierra and noted that, among other things, the decision defined "switchless resellers" and set a lower financial requirement of \$75,000 for them. The ALJ also noted that the Commission adopted a broadened definition of the \$420,000 requirement for other carriers and additional ways the requirement

can be met, including an alternative for "going concern" resellers outside of California which propose expansion into the state.

Each of the ALJ's three letters to Sierra was sent to the following address, which is designated in the application for correspondence and communications:

Clare M. Kennedy, President
Sierra Telecommunications, Inc.
190 Mill Street, Suite 2
Reno, NV 89501

The ALJ has received no response to any of the letters and has not received any other communication from Sierra. The formal file for this proceeding contains no evidence of any correspondence or communication from Sierra after the application was accepted for filing by the Docket Office.

We find that Sierra has not prosecuted this application with due diligence. The application should be dismissed for lack of prosecution.

ORDER

IT IS ORDERED that the application is dismissed.
This order becomes effective 30 days from today.
Dated March 11, 1992, at San Francisco, California.

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

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