

ALJ/GLW/gab

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Decision 92-08-021 August 11, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

JOHN B. SHERER,

Complainant,

vs.

GTE CALIFORNIA INCORPORATED,

Defendant.

ORIGINAL

Case 92-02-051  
(Filed February 24, 1992)

ORDER OF DISMISSAL

This matter is dismissed for complainant's failure to prosecute the case.

A short history is in order.

The complaint was filed on February 24, 1992. The complaint was served on defendant on March 10, 1992. The defendant filed an answer on April 7, 1992.

On April 9, 1992 the presiding administrative law judge (ALJ) issued a ruling permitting complainant to submit, within 15 days of the ruling, a response to the second affirmative defense in defendant's answer. The ruling was served on defendant at his home address. Complainant has not filed a response.

On June 11, 1992, the ALJ issued a ruling which again provided the defendant an opportunity, within 15 days of the ruling, to respond to defendant's answer. The ruling also set a tentative date for a hearing and asked both parties to inform the ALJ in writing, no later than June 18, if they can attend the hearing on that date. The second ruling was served on complainant at his business address. Complainant has not responded to the second ruling.

Complainant has failed to respond to two ALJ rulings which have requested a response from the complainant. We find that complainant has failed to prosecute the case in a timely manner.

IT IS ORDERED that Case 92-02-051 is dismissed.

Dated August 11, 1992, at San Francisco, California.

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

Commissioner John B. Ohanian,  
being necessarily absent, did  
not participate.

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

  
NEAL J. SHULMAN, Executive Director