

Decision No. 89535 OCT 17 1978

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 ERNEST JOHN HOFER, for authority )  
 under Section 3666 of the Public )  
 Utilities Code of the State of )  
 California to deviate from the )  
 minimum rates for the transporta- )  
 tion of scrap paper for Container )  
 Corporation of America between )  
 certain interplant points and from )  
 various suppliers to Container )  
 Corporation of America plant points. )

Application No. 57445  
 (Filed July 12, 1977;  
 amended August 8, 1977)

ORDER OF DISMISSAL

A duly noticed hearing in this matter was scheduled for 10:00 a.m., Monday, January 23, 1978, at Los Angeles. The matter subsequently was removed from the Commission's calendar at applicant's request. On April 6, 1978, a letter was sent by certified mail stating that if notice was not received by April 24, 1978, informing the Commission of suitable hearing dates, it would be necessary to dismiss the application for lack of prosecution. No reply was received from applicant.

IT IS ORDERED that Application No. 57445 is dismissed without prejudice.

The effective date of this order shall be thirty days after the date hereof.

Dated at San Francisco, California, this 17<sup>th</sup> day of OCTOBER, 1978.

William L. Lyons President  
Thomas J. Strigun  
Harold D. Swell  
Clare J. DeBrie Commissioners

Commissioner Robert Datinovich, being necessarily absent, did not participate in the disposition of this proceeding.