

Decision No. S1039 NOV 20 1979

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of )  
GREEN FLAG AIRPORT EXPRESS, INC., )  
a California corporation, for )  
authority to operate a passenger )  
stage service between points in )  
Orange County and some eastern- )  
most points of Los Angeles County )  
to and from Los Angeles Interna- )  
tional Airport, Ontario Interna- )  
tional Airport and Orange County )  
Airport. )

Application No. 58813  
(Filed April 19, 1979)

M. A. Fuegner, for applicant.  
John E. deBrauwere, Attorney at Law,  
for Luxe Livery Service, Inc.;  
and Edward L. Miller, Attorney at  
Law, for 24-Hour Airport Express,  
Inc.; protestants.  
K. D. Walpert, for R. W. Russell, Chief  
Engineer and General Manager,  
Department of Public Utilities  
and Transportation, City of Los  
Angeles, interested party.  
Thomas P. Hunt, for the Commission  
staff.

ORDER OF DISMISSAL

After being duly noticed, the above entitled matter came on for public hearing before Administrative Law Judge William A. Turkish on July 31, 1979 in Los Angeles.

The applicant having been properly and timely served with a subpoena duces tecum to produce certain business records at the hearing, which records were the subject of a previous request for deposition by protestant 24-Hour Airport Express, Inc. (24-Hour) and refused by

applicant to produce, similarly failed to produce such subpoenaed records at the hearing. After oral argument by the parties on applicant's objections to deposition of its business records by 24-Hour and a motion by said protestant for continuance of the hearing, the Administrative Law Judge ruled the records requested by 24-Hour for deposition were relevant (with some exceptions), and continued the matter until such time as 24-Hour has had an opportunity to examine the requested documents for discovery purposes. 24-Hour's motion addressing sanctions against applicant and the matter of applicant's failure to produce the subpoenaed documents at the hearing were likewise continued.

On October 2, 1979 applicant filed a request to withdraw its application.

IT IS ORDERED that Application No. 58813 is dismissed without prejudice.

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

Dated NOV 20 1979, at San Francisco, California.

John E. Bryson  
President

Clare J. DeFuria  
Edward W. Guntz  
Commissioners

Commissioner Richard D. Gravello, being necessarily absent, did not participate in the disposition of this proceeding.