

ORIGINAL

Decision No. 92197 SEP 3 - 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of F. C. McClendon, Jr., dba North)
Bay Transit, for a certificate of)
public convenience and service)
between Vallejo, California, to)
Benicia, Cordelia, Fairfield, Suisun)
City, Vacaville, California, on one)
hand, and various points in Solano)
County, California.)

Application No. 59381
(Filed January 14, 1980)

ORDER OF DISMISSAL

Frank C. McClendon, Jr., doing business as North Bay Transit (applicant) seeks a certificate of public convenience and necessity to operate a passenger stage corporation and to serve various points in and between Benicia, Cordelia, Fairfield, Suisun City, and Vacaville.

The application was protested by Greyhound Lines, Inc., the city of Vallejo, the city of Benicia, Vaca Valley Bus Lines, Inc., Daniel Pitta, doing business as Benicia Vallejo Stage Line, and the Transportation Council of Solano County.

By notice dated March 27, 1980, the matter was set for hearing on May 29, 1980, and copies of the notice were mailed to the applicant and to all interested parties and protestants. On May 28, 1980, the day before the hearing was to commence, the applicant telephoned the administrative law judge and requested that the matter be continued until a date to be set. The motion for a continuance was granted, subject to the express condition that the applicant must contact the

administrative law judge on or before July 3, 1980 to request that the matter be reset. The applicant agreed that, if he failed to fulfill the condition, the administrative law judge would recommend to the Commission that the application be dismissed for lack of prosecution. The agreement reached between applicant and the administrative law judge was embodied in a written ruling dated and filed June 2, 1980, and mailed to the applicant and to all interested parties and protestants.

July 3, 1980 has come and gone and applicant has failed to request that the matter be reset for public hearing. Accordingly, the Commission concludes that the applicant has failed to prosecute his application and that the application should be dismissed for lack of prosecution.

IT IS ORDERED that Application No. 59381 is dismissed. The effective date of this order shall be thirty days after the date hereof.

Dated SEP 3 - 1980, at San Francisco, California.

John E. Bryan
President
Thomas L. Anderson
Richard D. Howell
Clare J. DeFuria
Edward M. Jones
Commissioners