

Decision 93376 August 4, 1981

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

B & W PLUMBING AND HEATING,)
a partnership,)

Complainant,)

vs

THE PACIFIC TELEPHONE AND
TELEGRAPH COMPANY,)

Defendant.)

Case 10899
(Filed August 20, 1980;
amended October 31, 1980)

ORDER OF DISMISSAL

In attempting to set this matter for hearing Administrative Law Judge (ALJ) Robert T. Baer telephoned the attorney for B & W Plumbing and Heating (complainant) to inquire about hearing dates. Complainant's attorney told the ALJ that his client did not wish to pursue the complaint and that he would write a letter to the Commission confirming the telephone conversation and asking that the complaint be dismissed.

When several weeks had passed and no letter had been received, the ALJ wrote to the attorney on May 22, 1981, informing him that the complaint would be dismissed for lack of prosecution if no response to his letter was received within 14 days. That time limit has come and gone and no response has been received. Therefore, we find that complainant has failed to prosecute this matter and conclude that it should be dismissed.

IT IS ORDERED that Case 10899 is dismissed.

This order becomes effective 30 days from today.

Dated AUG 4 1981, at San Francisco,
California.

John E. Baynes
President
James M. [unclear]
James M. [unclear]
James M. [unclear]
James M. [unclear]
Commissioners