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Decision 95-07-006 July 6, 1995

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

H. Co. Computer Products, Inc.,)
)
 Complainant,)
)
 vs.)
)
 Southern California Edison)
 Company and Cordoba Corporation,)
)
 Defendants.)

Case 94-11-030
(Filed November 17, 1994)

ORIGINAL

O P I N I O N

On November 17, 1994, complainant filed the complaint in this proceeding charging defendants with violations of Commission General Order (GO) 156.

By Decision (D.) 95-04-015, dated April 5, 1995, the complaint was dismissed as to Southern California Edison Company (SCE).

On March 23, 1995, the assigned Administrative Law Judge (ALJ) issued a ruling directing the complainant and its attorney, if any, to show cause in writing to be submitted not later than April 14, 1995, why the ALJ should not recommend to the Commission that this proceeding be dismissed on the ground that complainant, H. Co. Computer Products, Inc., does not qualify as a minority-owned business as defined in Commission GO 156.

No response to the ALJ's ruling has been received and the deadline established by the ALJ for such submission has passed. The ALJ has recommended that the complaint be dismissed on the ground that the complaint fails to state a cause of action because complainant does not qualify as a minority-owned business within the meaning of § 1.3.3 of GO 156, and thus is ineligible to obtain the relief sought in the complaint.

Findings of Fact

1. On November 17, 1994, H. Co. Computer Products, Inc. filed a complaint against SCE and Cordoba Corporation seeking designation as a minority-owned business within the meaning of Commission GO 156.

2. On December 28, 1994, SCE filed a motion to dismiss the complaint as to it on the ground that the complaint failed to state a cause of action against SCE.

3. By D.95-04-015, the complaint was dismissed against SCE.

4. By ruling dated and served March 23, 1995, the assigned ALJ directed complainant to show cause in writing to be submitted not later than April 14, 1995 why the ALJ should not recommend dismissal of the complaint on the ground that complainant does not qualify as a minority-owned business as defined in GO 156.

5. Complainant has not responded to the ALJ's ruling of March 23, 1995, and the time for such response has expired.

6. The ALJ has recommended dismissal of the complaint.

Conclusions of Law

1. Complainant was legally obligated to show cause in writing submitted prior to April 14, 1995, why the ALJ should not recommend to the Commission that the complaint be dismissed for failure of complainant to qualify as a minority-owned business under GO 156.

2. Complainant failed to respond to the ALJ's ruling.

3. The ALJ has recommended that the complaint be dismissed.

4. Complainant has shown no legal reason why the complaint should not be dismissed.

5. The complaint should be dismissed.

6. This decision should be effective immediately.

ORDER

IT IS THEREFORE ORDERED that:

1. The recommendation of the Administrative Law Judge to dismiss the complaint is adopted.

2. The complaint herein is dismissed.

This order is effective today.

Dated July 6, 1995, at San Francisco, California.

DANIEL Wm. FESSLER
President
P. GREGORY CONLON
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
Commissioners

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

Weeley Franklin
Acting Executive Director