

APR 10 1996

Decision 96-04-005 April 10, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of Vista-United Telecommunications)
For a Certificate of Public)
Convenience and Necessity to)
Operate as a Reseller of InterLATA)
and IntraLATA Telecommunications)
Services Within the State of)
California.)

Application 95-05-044
(Filed May 16, 1995)

ORIGINAL

O P I N I O N

On May 16, 1995, Vista-United Telecommunications (applicant), a Florida general partnership authorized to transact business in California, filed an application for a certificate of public convenience and necessity (CPCN) under Public Utilities (PU) Code § 1001 to permit it to resell interLATA and intraLATA telephone services in California. On June 16, 1995, applicant was ordered to supplement the application. No supplement was filed, and on November 30, 1995, applicant was ordered to file the supplement required in the June ruling within ten days or the application would be dismissed.

Applicant's representative notified the Administrative Law Judge (ALJ) that he did not receive the June 16, 1995, ruling. He stated that he had procured a copy of the ruling from applicant's regulatory affairs department and requested thirty days to comply. Applicant stated the additional time was necessary to compile the requested materials and file a motion for confidential treatment of some portions of the supplement. By ruling dated December 6, 1995, the ALJ granted the request. Applicant was ordered to supplement its application no later than thirty days from December 6, 1995, or the application would be dismissed. Applicant has failed to file either the motion or the supplement. Therefore, Application (A.) 95-05-044 should be dismissed without prejudice.

Findings of Fact

1. A.95-05-044 was filed on May 16, 1995. Applicant was directed to supplement the application on June 16, 1995.
2. Applicant failed to file the supplement in a timely manner. On November 30, 1995, applicant was ordered to file the supplement within ten days or face dismissal of the application.
3. On December 6, 1995, the ALJ granted applicant's motion for a thirty-day extension to file the supplement and a motion for confidential treatment of a portion thereof.
4. Applicant has failed to file the motion or the supplement as directed by the ALJ.

Conclusion of Law

The application should be dismissed without prejudice.

ORDER

IT IS THEREFORE ORDERED that Application 95-05-044 is dismissed without prejudice.

Application 95-05-044 is closed.

This order is effective today.

Dated April 10, 1996, at Sacramento, California.

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