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MAIL DATE

7/21/97

Decision 97-07-067

July 16, 1997

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Investigation on the Commission's own motion into the operations, practices, and conduct of Total National Telecommunications, Inc./Heartline Communications, Inc. to determine whether they have complied with the laws, regulations and applicable tariff provisions governing the manner in which California consumers are switched from one long distance carrier to another, and other requirements for long distance carriers.

ORIGINAL

I.96-04-024

**ORDER GRANTING MOTION TO WITHDRAW
APPLICATION FOR REHEARING**

On May 15, 1996, Total National Telecommunications, Inc. and Heartline Communications, Inc. (hereinafter collectively "TNT/Heartline") filed a joint application for rehearing of Investigation 96-04-024. On December 9, 1996, we approved a settlement agreement between TNT/Heartline and the Consumer Services Division which appeared to resolve the investigation. Thereafter, on January 23, 1997, TNT/Heartline, in accordance with the settlement agreement, filed a motion to withdraw the application for rehearing.¹ No party has opposed the motion.

¹ While applicant's filing a motion to withdraw the application for rehearing was entirely proper, we wish to apprise parties and the public that an applicant for rehearing may submit a letter voluntarily withdrawing an application for rehearing to the Docket Office, with a copy to the Legal Division Trials and Appeals Section and service upon all parties. In the absence of a timely objection by a party or by the Commission itself, raising non-frivolous grounds why the letter of withdrawal should not be honored, the letter will be binding on the applicant and will constitute a final (continued on next page)

Good cause appearing, we now grant TNT/Heartline's motion to withdraw the application for rehearing.

IT IS ORDERED that:

1. The motion of TNT/Heartline to withdraw the application for rehearing of 1.96-04-024 is granted, and the application for rehearing is deemed withdrawn.

This order is effective today.

Dated July 16, 1997, at San Francisco, California.

P. GREGORY CONLON
President
JESSIE J. KNIGHT, JR.
HENRY M. DUQUE
JOSIAH L. NEEPER
RICHARD A. BILAS
Commissioners

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disposition of the application for rehearing.