

ALJ/KLK/gab

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Decision 98-05-010 May 7, 1998

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

Application of k.a.r.t., Inc., dba kart for certificate of public convenience and necessity to operate as a passenger stage corporation between points in Santa Cruz, Monterey and Santa Clara Counties.

Application 95-11-047
(Filed November 7, 1995)

ORDER OF DISMISSAL

Discussion

On March 25, 1996, the Commission's Rail Safety and Carriers Division (staff) sent a letter to the applicant, k.a.r.t., Inc., requesting the applicant to publish notice of the application in the leading newspaper within its service area for three consecutive days. The letter further stated that after the applicant submitted the proof of notice, and absent any protest, the staff will proceed with the application. Attached to the letter was a sample notice form.

Applicant was again reminded to submit the proof of notice with the Commission by staff's letters dated June 24, 1996 and May 8, 1997. The last letter further said the staff will recommend to the Commission that it dismiss the application if the requested document was not filed by May 30, 1997. Applicant has not responded.

Findings of Fact

1. This application is procedurally defective as there is inadequate public notice.
2. Staff advised applicant by letter on three separate occasions that the application is defective and should be amended.
3. Applicant has failed to respond to the staff's letters and file the amended application.

A.95-11-047 ALJ/KLK/gab

Conclusion of Law

This application should be dismissed due to applicant's failure to pursue it.

IT IS ORDERED that:

1. Application 95-11-047 filed by k.a.r.t., dba kart is dismissed effective today.
2. Application 95-11-047 is closed.

Dated May 7, 1998, at San Francisco, California.

RICHARD A. BILAS

President

P. GREGORY CONLON

HENRY M. DUQUE

JOSIAH L. NEEPER

Commissioners

Commissioner Jessie J. Knight, Jr., being necessarily absent, did not participate.