

Decision 99-06-006 June 3, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of CABAC, Inc. for authority to operate as an "on-call" Passenger Stage Corporation pursuant to Section 1031 of the California Public Utilities Code between points in Los Angeles, Orange, Riverside, San Bernardino and Ventura Counties and Los Angeles International Burbank, Long Beach, John Wayne and Ontario Airports, San Pedro Harbor, and the Los Angeles Amtrak Terminal, and for a zone of rate freedom for its tariff rates.

Application 97-06-011
(Filed June 6, 1997)

OPINION DISMISSING APPLICATION

Summary

On June 6, 1997, applicant, CABAC, Inc., requested authority to operate as an "on-call" airport carrier between points in Los Angeles and adjacent territories pursuant to Pub. Util. Code § 1031. The application was protested by E-Z Shuttle and Charter Service, the Commission Rail Safety Carriers Division, and Airport Connection Inc. The protestants requested evidentiary hearings on applicant's fitness to operate the proposed service and asserted impropriety in its alleged connection with a revoked carrier, John Kindt of Prime Time International Inc.

On September 26, 1997, applicant's attorney of record, Edward G. Poole, withdrew as counsel of record for applicant in this proceeding. No new counsel was appointed.

On November 20, 1997, at the joint prehearing conference in the applications of applicant, B.A.D.D.J., Inc., Rideshare Port Management LLC,

AMRAT, Inc. and David Regwan, applicant was represented by Angeles Rosales, a director of applicant. Rosales informed the Commission that applicant's business records and all office equipment were moved to a new location without her approval and over her protests and that a civil suit against the directors performing this action would likely be filed. Therefore, the assigned Administrative Law Judge requested that Rosales obtain a written statement signed by a majority of applicant's board of directors indicating she had authority to pursue the application in this proceeding.

Rosales failed to provide this written authority, and failed to appear again during the evidentiary hearing. Since Rosales' appearance, applicant has not communicated with the Commission regarding the application. Therefore, this application is dismissed for lack of prosecution.

Comments on Draft Decision

The draft decision of the ALJ in this matter was mailed to the parties in accordance with Pub. Util. Code § 311(g)(1) and Rule 77.1 of the Rules of Practice and Procedure. No comments were filed.

Findings of Fact

1. Applicant, CABAC, Inc., filed the application in this proceeding on June 6, 1997.
2. Applicant's attorney of record withdrew from the proceeding on September 26, 1997.
3. Rosales appeared at the prehearing conference to represent applicant. However, given the pending request to permit the business to operate a passenger stage service and the subsequent dispute between the directors over ownership of the business, Rosales was requested to provide written

authorization from a majority of the board of applicant to pursue the application in this proceeding.

4. Applicant failed to provide an authorized representative at subsequent hearings in this proceeding.

5. Applicant has had no further communication with the Commission regarding the application in this proceeding.

Conclusion of Law

The application in this proceeding should be dismissed for lack of prosecution by an authorized representative.

O R D E R

IT IS ORDERED that the application in this proceeding is dismissed without prejudice for lack of prosecution.

This order is effective today.

Dated June 3, 1999, at San Francisco, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEPPER
LORETTA M. LYNCH
TAL C. FINNEY
Commissioners