

Decision 99-10-002 October 7, 1999

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the application of Palomar Aviara Transportation, a California Sole Proprietorship, for authority to operate as a Passenger Service throughout San Diego County and the cities of Oceanside and Carlsbad.

Application 99-01-008
(Filed January 8, 1999)

OPINION

Summary

Application dismissed for failure to prosecute.

Discussion

On January 8, 1999, Palomar Aviara Transportation (Applicant) filed to establish passenger stage service between the City of Oceanside and the City of Carlsbad. In Resolution ALJ 176-3008 dated January 20, 1999, the Commission preliminarily categorized this application as ratesetting, and preliminarily determined that hearings were not necessary. A protest was filed on February 4, 1999 by the United Transportation Union (Protestant). A telephonic Prehearing Conference was held on March 16, 1999 before Administrative Law Judge (ALJ) Sheldon Rosenthal. At that time Applicant stated that there would be major changes to the application, and the parties agreed that a new Prehearing Conference would be necessary after filing of the amendments.

Since that time the ALJ has directed letters of April 7, 1999, April 22, 1999, and July 26, 1999 to the parties attempting to move this proceeding. In his last letter, the ALJ warned the attorney for Applicant that the matter would be dismissed if no response to his letter had been received by August 6, 1999. There has been no response.

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) and Rule 77.1 of the Rules of Practice and Procedure. No comments were filed.

Findings of Fact

1. This Application was filed on January 8, 1999.
2. A protest was filed on February 4, 1999.
3. A telephonic Prehearing Conference was held on March 16, 1999.
4. Applicant represented that it would amend its Application.
5. Despite repeated letters from the ALJ, there has been no amendment filed.
6. Applicant has not responded to a letter of July 26, 1999 from the ALJ warning it of a possible dismissal for failure to prosecute if it does not proceed with this matter.

Conclusion of Law

This application should be dismissed for failure to prosecute.

O R D E R

IT IS ORDERED that:

1. This application is dismissed.
2. This matter is closed.

The effective date of this order is today.

Dated October 7, 1999, at Los Angeles, California.

RICHARD A. BILAS
President
HENRY M. DUQUE
JOSIAH L. NEEPER
JOEL Z. HYATT
CARL W. WOOD
Commissioners