

Diaz - Motion to Dismiss

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MINUTE ORDER NO. 89-06

This matter comes before the Commission upon ADPC&E's Motion to Dismiss filed on March 17, 1989, requesting the Commission to dismiss the Request for Commission Review of Director's Order filed by Diaz Refinery, Inc., on March 10, 1989.

ADPC&E seeks dismissal of Diaz's Request for Review based on the failure of Diaz to properly follow Regulation No. 8: Administrative Procedures in that its Request for Review failed to provide the type of evidence Diaz proposes to introduce at an adjudicatory hearing, nor does Diaz provide a statement of the reasons why the evidence was not presented during the public comment period; and in that Diaz failed to provide service on all parties upon the filing of its Request for Review with the Secretary.

Upon review of the record in this matter, the Commission finds that the Motion to Dismiss be granted.

COMMISSIONERS

*[Handwritten signatures of commissioners]*

*[Signature of Chairman]*  
CHAIRMAN

SUBMITTED BY: Steve Weaver DATE PASSED: 5-26-89