

Decision No. 28137.

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of
R.C.A. COMMUNICATIONS, INC., a cor-
poration, for Certificate of Public
Convenience and Necessity under
Section 50 (a) of Public Utilities
Act.

Application No. 20021.

Frederick Leuschner, for Applicant.
M. T. Cook, for Western Union Telegraph Company.
E. H. Dodd, for Mackay Radio & Telegraph Company.

CARR, Commissioner:

O P I N I O N

R.C.A. Communications, Inc., a Delaware corporation, and a successor to the old Marconi Wireless Telegraph Company of America which commenced the performance of a non-intrastate radiotelegraph business in California prior to the effective date of the Public Utilities Act, is engaged in the business of interstate and foreign radiotelegraph communications for hire over some fifty-seven radio circuits linking the United States and its insular territories with forty-seven countries, and over circuits within the United States by means of some eleven stations located in the principal cities thereof. One of these stations is located in Marin County, being connected with San Francisco by the necessary line control.

Under appropriate authorization from the Federal Communications Commission the applicant is constructing a station in the vicinity of Los Angeles which is connected by the necessary

control line with the applicant's office in the City of Los Angeles. It expects, on or about August 1st, to inaugurate an interstate and foreign radiotelegraph communication service to and from Los Angeles.

By its application filed on June 21st it seeks a certificate under Section 50(a) of the Public Utilities Act to augment its interstate and foreign business by conducting an intrastate radiotelegraph business between Los Angeles and San Francisco.

A public hearing upon the application was had on July 23rd, at which time the matter was submitted.

There was no opposition to the granting of a certificate to transact intrastate business between Los Angeles and San Francisco. The rates proposed are slightly more favorable than the existing land line telegraph rates between the points in question, but are the same as those now in effect on the corresponding system of Mackay Radio & Telegraph Company. This latter company, it appears, works in close harmony with Postal Telegraph Cable Company. The Western Union Telegraph Company has a similar working arrangement with the applicant in respect to interstate and foreign business and desires to extend this to include the intrastate business for which certification is sought. At the hearing this utility openly favored the granting of the application.

That the service proposed by applicant will be of convenience to the public can hardly be questioned and in view of the fact that no opposition to certification appeared it seems appropriate that the application be granted.

While the applicant is a foreign corporation, the facts developed at the hearing bring it within the exceptions to the inhibition contained in Section 26 of the Public Utilities Act

against a foreign corporation transacting a utility business in the State. Applicant has no local franchise or permit for the installation of its station and equipment at Los Angeles but insists it needs none and hence makes no application under Section 50(b) of the Public Utilities Act.

I recommend the following form of Order:

O R D E R

R.C.A. Communications, Inc., having made application to the Railroad Commission for a certificate of public convenience and necessity under Section 50(a) of the Public Utilities Act to perform an intrastate radiotelegraph business between Los Angeles and San Francisco, a public hearing having been had and the matter having been taken under submission and being ready for decision,

THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA HEREBY FINDS AS A FACT that public convenience and necessity require the performance by R.C.A. Communications, Inc. of an intrastate radiotelegraph business between Los Angeles and San Francisco; and basing its Order on the foregoing finding of fact,

IT IS HEREBY ORDERED, that R.C.A. Communications, Inc. shall,

1. Submit to the Railroad Commission for filing on or before August 1, 1935, rates, tariffs, and rules and regulations for the transaction of said intrastate business in substantially the form of its Exhibit No. 2, and
2. Submit to the Railroad Commission for filing on or before August 1, 1935, appropriate map or maps indicating delivery limits for collection and delivery of messages at the terminal points of Los Angeles and San Francisco.

The effective date of this Order shall be August 1, 1935.

The foregoing Opinion and Order are hereby approved and ordered filed as the Opinion and Order of the Railroad Commission of the State of California.

Dated at San Francisco, California, this 28th day of July, 1935.

M. J. Coo

W. B. Lewis

Stuart R. Dewey
Commissioners.