

Decision No. 35533

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
Mackay Radio and Telegraph Company  
for permission to discontinue Intra-  
State Public Radiotelegraph  
Communication Service.

Application No. 25092

ORIGINAL

BY THE COMMISSION:

OPINION AND ORDER

Mackay Radio and Telegraph Company, operating public radiotelegraph service in the State of California, herein requests the Railroad Commission for authority to discontinue such utility operations.

It is stated in the application that on May 28, 1942, the Office for Emergency Management, Defense Communications Board, Washington, D.C., issued its "Order No. 8" entitled "Closure of Domestic Radiotelegraph Circuits," reading as follows:

"WHEREAS, The Defense Communications Board has determined that the national security and defense and the successful conduct of the war demand the closure of all point-to-point radiotelegraph circuits within the continental United States (excluding Alaska) which are in the Fixed Public Radio Services as defined by the Rules and Regulations of the Federal Communications Commission;

"NOW, THEREFORE, By virtue of the authority vested in the Board by Executive Order No. 8964 of December 10, 1941;

"IT IS HEREBY ORDERED, That all point-to-point radiotelegraph circuits within the continental United States (excluding Alaska) which are in the Fixed Public Radio Services as defined by the Rules and Regulations of the Federal Communications Commission BE, AND THEY ARE HEREBY DESIGNATED FOR CLOSURE AND, effective midnight June 30, 1942, ARE CLOSED.

"PROVIDED, HOWEVER, That upon a showing to the Federal Communications Commission that a vital public need, which cannot otherwise be met, will be served by the operation of a particular circuit or circuits, the Board may, upon the recommendation of the Commission, exempt in whole or in part such circuit or circuits from the above Closure Order or take other action to meet the public need."

It having been determined that the national security and defense requires the closure of all radiotelegraph circuits within the continental United

States, an appropriate "Order No. 8" having been issued, and

The Railroad Commission having considered the request herein, and being of the opinion that the application should be granted, and that this is not a matter in which a public hearing is required,

IT IS HEREBY ORDERED that Mackay Radio and Telegraph Company be, and it hereby is, authorized to discontinue intrastate radiotelegraph communication service in the State of California and withdraw rate schedules therefor on or before August 1, 1942, provided notice is filed with the Railroad Commission within ten (10) days from and after such discontinuance of service.

For all other purposes the effective date of this Order shall be twenty (20) days from and after the date hereof.

Dated at San Francisco, California, this 30<sup>th</sup> day of June, 1942.

Justus J. Cramer

M. B. Kelly

Francis R. Havens

Richard L. Clarke

Commissioners