

ORIGINALDecision No. 51067

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
 THE PACIFIC TELEPHONE AND TELEGRAPH
 COMPANY, a corporation, for authority
 to cancel immediately its Tariff
 Schedule Cal. P.U.C. No. 108-T and to
 withdraw from the furnishing of
 private mobile communication service
 on a lease-maintenance basis by
January 24, 1961.

Application No. 40934

SUPPLEMENTAL OPINIONReason for Supplemental Decision

Ordering Paragraph No. 2 of Decision No. 58699 under the above-entitled application provided: "In the event that applicant does not desire to continue Schedule No. 108-T after January 24, 1961, it shall file a supplemental application herein, approximately sixty days prior to January 24, 1961, showing reasons why the schedule should not be continued after January 24, 1961 for non-United States Government as well as for United States Government service." The Pacific Telephone and Telegraph Company, on September 23, 1960, filed its petition for modification herein stating it does not desire to continue Schedule No. 108-T after January 24, 1961, either for United States Government service or non-United States Government service.

Petitioner's Request

Petitioner requests authority to cancel Schedule No. 108-T in its entirety and to withdraw from furnishing private mobile communication service on a lease-maintenance basis, except

as to services that may be provided to the United States Government or any agency thereof, which it states it now provides and would continue to provide solely under contracts.

Petitioner's Position

Petitioner refers to the representations in the original application concerning the view of the Department of Justice of the United States, which is that petitioner must withdraw from the provision of private mobile communication service (except as to the United States Government and agencies thereof) prior to January 24, 1961, and the representations concerning the announced policy of the Federal Communications Commission to grant no licenses to Bell System private mobile customers which would extend beyond January 24, 1961. Petitioner states that the rules embodying that announced policy were made final by the Federal Communications Commission by an order adopted March 25, 1959, and insofar as petitioner is advised, no change has occurred in the aforementioned view of the Department of Justice nor in the aforementioned policy of the Federal Communications Commission.

Petitioner represents that it has been divesting itself of private mobile equipment by selling it to users on authorization of the Commission; that the number of non-Government customers receiving this service declined from 113 on January 1, 1959 to 38 on September 1, 1960; that the remaining customers understand that this lease-maintenance service will not be available after January 24, 1961; that no new customers have been taken on or served since the issuance of Decision No. 58699; and that no customers have been furnished complete private mobile communication systems under Schedule No. 102-T at any time, although certain customers previously receiving service under contract have received individual items of equipment under the said tariff schedule.

Findings and Conclusions

Our original order herein denied petitioner's request to cancel and withdraw Schedule No. 108-T prior to January 24, 1961. In view of the unchanged positions of the Department of Justice of the United States and of the Federal Communications Commission, and the small remaining business in Schedule No. 108-T, we now find and conclude that it would be impractical to require the continuance of Schedule No. 108-T after January 24, 1961.

SUPPLEMENTAL ORDER

The Pacific Telephone and Telegraph Company having filed a petition for modification as contemplated by Ordering Paragraph No. 2 of Decision No. 58699, and the Commission having considered such petition and having found that it would be impractical to require the continuance of Schedule No. 108-T after January 24, 1961; therefore,

IT IS ORDERED that The Pacific Telephone and Telegraph Company may, in accordance with the procedures provided by General Order No. 96:

1. Cancel Tariff Schedule Cal. P.U.C. No. 108-T effective January 24, 1961; and

2. Withdraw from the furnishing of private mobile communication systems on a lease-maintenance basis by January 24, 1961, except as to the furnishing of such systems to the United States Government or any agency thereof and as to such systems to continue to provide them under contract.

IT IS FURTHER ORDERED that The Pacific Telephone and Telegraph Company shall file with the Commission by March 31, 1961, a list of the private mobile equipment that petitioner has not been able to sell to customers since inauguration of this service up to and including January 24, 1961, indicating the proposed disposition of such equipment and the accounting for the original cost, depreciation and any unrecovered cost of such equipment, plus a summary listing of the unrecovered costs on all equipment sold to customers since inauguration of this service.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 15th day of November, 1960.

Herbert H. Bay
President
John E. Smith
Matthew J. Dade
C. L. Fox
Theodore Deemer
Commissioners