

ORIGINAL

Decision No. 63333

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of:

CARSON E. DONALDSON DBA  
MOBILEFONE LANCASTER

and

INDUSTRIAL COMMUNICATIONS  
SYSTEMS, INC.

Application No. 44043

For Authority to transfer  
Radiotelephone Common Carrier  
System, KMD-690, Lancaster,  
California, together with oper-  
ative rights thereto from Mobile-  
fone Lancaster to Industrial  
Communications Systems, Inc.

OPINION AND ORDER

By this joint application filed December 22, 1961, by Carson E. Donaldson, doing business as Mobilefone Lancaster,<sup>1</sup> and Industrial Communications Systems, Inc.,<sup>2</sup> authority is sought under Section 851 of the Public Utilities Code to transfer radiotelephone common carrier system KMD-690 Lancaster, together with operative rights thereto, to Industrial Communications Systems, Inc. Both seller and buyer are radiotelephone utilities and were granted operating rights as such by Decision No. 62156, dated June 20, 1961, as amended by Decision No. 62517, dated September 5, 1961, in Case No. 6945.

It is alleged that seller has been unable to devote the time, attention and resources to bring about public acceptance of

1 Hereinafter called seller.

2 Hereinafter called buyer.

his mobile radio service in the Lancaster area, with the result that the station now has only two users. It is asserted that buyer, on the other hand, has aggressively devoted itself to the common carrier mobile radio telephone field and has developed a very high degree of public acceptance for such service in the Los Angeles area where it has more than 100 subscribers. Buyer further asserts that it has enough mobile equipment on hand to render the service required in the Lancaster area, and that it is buyer's specific intention to expand the service so as to meet the public need.

Under the proposal seller will assign and transfer all operating rights to buyer along with his communications business and equipment consisting of a base station and control station. The original cost of this equipment is stated to be \$3,500, having a present value of \$1,700. The total consideration proposed to be paid is \$1,000, to be paid as set forth in the "Agreement and Terms of Payment" which is attached as Exhibit B to the application.

The action taken herein shall not be construed to be a finding of the value of the property herein authorized to be transferred.

Findings and Conclusions

The Commission having considered the application, finds and concludes that the proposed transfer will not be adverse to the public interest; that a public hearing is not necessary; and that the application should be granted subject to the conditions contained herein; therefore,

IT IS HEREBY ORDERED that:

(1) Carson E. Donaldson, doing business as Mobilefone Lancaster, may on or after the effective date hereof and on or before August 31, 1962, sell and transfer his mobile radio telephone system, together

with all operating rights as heretofore described, to Industrial Communications Systems, Inc., in accordance with the terms and conditions contained in the "Agreement and Terms of Payment," attached to the application as Exhibit B.

(2) As a condition of the authority herein granted, Industrial Communications Systems, Inc., is directed to continue the public utility responsibilities of Carson E. Donaldson, doing business as Mobilefone Lancaster, with respect to the area served by the properties being transferred.

(3) The tariffs of Carson E. Donaldson, doing business as Mobilefone Lancaster, now on file with this Commission, shall be filed within thirty days from the date of actual transfer under the name of Industrial Communications Systems, Inc., in accordance with the procedure prescribed by General Order No. 96-A, or, in lieu of such refiling, Industrial Communications Systems, Inc., may file a notice of adoption of said presently filed tariffs. No increases in the presently filed tariffs shall be made unless authorized by this Commission.

(4) On or before the date of actual transfer of the specific properties herein authorized, Carson E. Donaldson, doing business as Mobilefone Lancaster, shall transfer and deliver to Industrial Communications Systems, Inc., and the latter shall receive and preserve all records, memoranda and papers pertaining to the construction and operation of the radiotelephone utility authorized to be transferred.

(5) If the authority herein granted is exercised, Industrial Communications Systems, Inc., shall, within thirty days thereafter,

notify this Commission in writing of the date of such completion of the property transfer herein authorized and of its compliance with the conditions hereof.

(6) Carson E. Donaldson, doing business as Mobilefone Lancaster, is relieved of his public utility responsibilities with respect to the property being transferred coincident with the full assumption of such responsibilities by Industrial Communications Systems, Inc.

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

Dated at San Francisco, California, this 26<sup>th</sup> day of FEBRUARY, 1962.

[Signature]  
President  
[Signature]  
[Signature]  
[Signature]

\_\_\_\_\_  
Commissioners

Commissioner George G. Grover, being necessarily absent, did not participate in the disposition of this proceeding.