

ORIGINAL

Decision No. 68992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application
of J & S ELECTRONICS, INC.,
for a certificate of public
convenience and necessity
to construct a new radio-
telephone utility system.

Application No. 47261
(Filed January 18, 1965)

- Jack T. Hirshon, for J & S Electronics, Inc. applicant.
- Bert Levy, for Mobile Radio System of San Jose, Inc.; Knox LaRue, for Tracy Mobilphone; Lester W. Spillane, for Central Exchange Mobile Radio Company; protestants.
- Jerome Grotsky, for Peninsula Radio Secretarial Service, interested party.
- George A. Amaroli, for the Commission staff.

O P I N I O N

This application was heard before Examiner Gillanders at San Francisco on March 9 and 10, 1965, and was submitted on March 10. Copies of the application and the notice of hearing were served in accordance with the Commission's procedural rules. The protestants are: Mobile Radio System of San Jose, Inc., Tracy Mobilphone, and Central Exchange Mobile Radio Company.

Applicant requests the issuance of a certificate of public convenience and necessity to construct a new radio telephone utility system which will provide two-way and one-way radio communication service, both message relay and interconnected, on a common carrier basis in Santa Clara and vicinity.

The proposed system is to consist of a base station and a message center located at 2301 Lafayette Street, Santa Clara. The radio system is to operate on the frequencies 152.18 mc

for the base station and 158.64 mc for the mobile units, commonly known as Channel 3-1/2. Applicant has on hand 75 mobile units which will be used for the proposed operation.

Applicant is a California corporation engaged in the sale and maintenance of two-way radio equipment. It estimates that construction of the proposed system will cost approximately \$4,000. It states that no borrowing of any type will be necessary to finance the proposed construction and operation.

Applicant presented no public witnesses, nor letters from the public indicating a need or desire for the service. It had made no survey to determine if a market existed for its proposed service. Applicant's engineer and its vice president and general manager both testified that they believed a demand for their proposed service existed because they planned on providing an interconnected service with controlled level of modulation.

Protestants presented no affirmative showing, but did cross-examine applicant's witnesses. During cross-examination, applicant's witnesses conceded that they had no evidence that protestants were not rendering satisfactory service within their respective service areas. Applicant's vice president agreed that if its proposed 37 dbu contour overlapped those of protestants then competition would exist in such areas.

The tariffs of protestants on file with this Commission show that each offers interconnected service through the facilities of The Pacific Telephone and Telegraph Company and that the 37 dbu contours of Mobile Radio System of San Jose, Inc. and Central Exchange Mobile Radio Company completely surround that proposed by applicant.

Applicant's evidence is not persuasive that there is a need for its proposed service. The record is clear that two utilities are now rendering similar service to that proposed by applicant within applicant's proposed service area and that such service is satisfactory.

Upon consideration of the evidence, the Commission finds that applicant has failed to establish that public convenience and necessity require the proposed service. The Commission concludes that the application should be denied.

O R D E R

IT IS ORDERED that Application No. 47261 is denied.

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

Dated at San Francisco, California, this 4th day of MAY, 1965.

Fredrick B. Hillhoff
President
George T. Hoover
August
William L. Burnett
Commissioners