

Decision No. 71059

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

GEORGE W. SMITH, dba
 RADIOPAGE,

 Complainant,

 vs.

 MOBILFONE, INC., a corporation,
 and AMERICAN MOBILE RADIO, INC.,
 a corporation,

 Defendants.

Case No. 8452

ORDER OF DISMISSAL

The sole relief sought by the above complaint is the suspension of specified tariff filings made by defendants Mobilfone, Inc. and American Mobile Radio, Inc.

The American Mobile filing, which did not result in an increase in rates, was suspended on June 28, 1966 by an order of suspension and investigation instituting Case No. 8457. Public Utilities Code section 455 empowers the Commission to suspend a tariff filing which does not result in an increase in any rate.

The Mobilfone filing would have resulted in a rate increase. Under Public Utilities Code section 454 no rate may be increased "except upon a showing before the commission and a finding by the commission that such increase is justified." No such finding has been made by the Commission, and no rate increase "filing" may become effective in the absence of such a finding. Where the

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required showing and finding are not made, section 454 contemplates rejection, rather than suspension, of a rate increase "filing".

The Mobilfone filing was rejected on July 19, 1966.

Case No. 8452 is dismissed without prejudice.

Dated at ~~San Francisco~~, California, this 27th day
of AUGUST, 1966.

John P. Mitchell
President

George H. Hoover

Fredrick B. Hillhoff

Angela

Hullman & Bennett
Commissioners