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ORIGINAL

Decision No. 77755

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMUNICATION INVESTMENTS OF CALIFORNIA, INC. (Formerly California Mobile Telephone Co.) and SAN FRANCISCO MOBILE TELEPHONE COMPANY,
Complainants,
vs.

REDWOOD RADIOTELEPHONE CORPORATION,
REDWOOD RADIOTELEPHONE CORPORATION-MARIN, and DANIEL W. COCHRAN,
Defendants.

Case No. 9071
(Filed May 25, 1970;
Amended June 16, 1970)

In the matter of the application of REDWOOD RADIOTELEPHONE CORPORATION, a corporation, and REDWOOD RADIOTELEPHONE CORPORATION-MARIN, a corporation, for authority to suspend tariffs and discontinue service.

Application No. 51922
(Filed May 27, 1970;
Amended August 13, 1970)

O P I N I O N

California Mobile Telephone Company, the original complainant in Case No. 9071, alleging that defendants were about to discontinue their radiotelephone services in the San Francisco Bay Area without prior authorization by this Commission and to return their station authorizations to the Federal Communications Commission for cancellation, requested orders (a) prohibiting defendants from taking such actions; (b) authorizing complainant to offer, or that the Commission make other appropriate arrangements for, such services on an interim basis pending determination of whether complainant or another applicant therefor shall be authorized to offer such services on a permanent basis, and (c) authorizing complainant, pursuant to an application to be filed promptly, to offer such services on a permanent basis in the areas then served by defendants. Defendants have answered both the original and amended complaint.

In Application No. 51922, Redwood Radiotelephone Corporation (Redwood) and Redwood Radiotelephone Corporation-Marin (Marin), both defendants in Case No. 9071, alleging financial inability to continue operations beyond May 31, 1970, requested authority to discontinue service as of that date and to cancel their tariffs. Complainants in the original and amended complaint in Case No. 9071 have responded to the application in similar vein to their pleadings in the complaint case.

The record shows that Redwood and Marin, without having obtained the authority sought by their application, discontinued radiotelephone service on June 1, 1970, and returned their station authorizations to the FCC for cancellation. The record also shows that Cochran, president and sole stockholder of the two Redwood companies, had terminated, as of May 25, 1970, a contract with California Mobile Telephone Company (CMT) for acquisition by CMT (a wholly owned subsidiary of Mobile Telephone Company, a Pennsylvania corporation) of Cochran's stock in the Redwood utilities.

An almost immediate repercussion of the foregoing events was the filing, during June and July, of a number of applications by existing or prospective radiotelephone utilities - including San Francisco Mobile Telephone Company, a wholly owned subsidiary of Communication Investments of California, Inc. (the present name of CMT) - for either temporary or permanent authority, or both, to replace the discontinued Redwood services.

The underlying facts appear in an interim opinion issued this day, following a hearing held July 7 and 8, 1970, to determine whether there was any public need for the temporary services proposed or offered by various of the applicants. The Commission concluded,

for reasons stated in its opinion, that no urgent or substantial public need had been shown for such temporary service and that, accordingly, the applications for permanent authority, to replace or augment the Redwood services, should proceed to hearing. The Commission further concluded, for reasons also stated in its opinion, that the two proceedings captioned hereinabove should be disassociated from the others for disposition by a separate consolidated decision.^{1/}

We concluded, in our interim opinion, that as both the Redwood application and the related amended CMT complaint had become moot, because of the accomplished fact of the Redwood service termination on June 1, 1970, and the filing by CMT's (CIC's) wholly owned subsidiary, San Francisco Mobile Telephone Company, of an application for both temporary and permanent radiotelephone utility authority, no useful regulatory or public purpose would be served by further consideration of the Redwood application or the CMT amended complaint.

Redwood and Marin, by a verified amendment to their application duly served and filed on August 13, 1970, state that neither company held any customer's deposits as of the date of the balance sheet attached to their original application and that they presently do not hold any such deposits. We take official notice, for the purpose of this decision, of the filing and contents of said amendment.

The Commission finds that:

1. Redwood Radiotelephone Corporation and Redwood Radiotelephone Corporation-Marin discontinued radiotelephone service in the San Francisco Bay Area on June 1, 1970.

^{1/} These two proceedings were captioned in the notice of the July hearing because of their background relevance to the other matters, as well as their relevance to the limited purpose of that hearing.

2. San Francisco Mobile Telephone Company, a corporation, is a wholly owned subsidiary of Communication Investments of California, Inc. and is an applicant now before this Commission, with other applicants, for permanent radiotelephone operating authority to replace or augment the radiotelephone service heretofore offered by said Redwood utilities.

3. Application No. 51922 of Redwood and Marin and the complaint, as amended, of California Mobile Telephone Company (Case No. 9071) are both moot and their future consideration by this Commission is unnecessary, other than to grant the authority requested by Redwood and Marin to discontinue radiotelephone utility service and to cancel their tariffs, and to dismiss the complaint, as amended, of California Mobile Telephone Company.

The Commission, therefore, concludes that:

1. Application No. 51922 should be granted.
2. The complaint, as amended, in Case No. 9071 should be dismissed.

A public hearing is not necessary.

O R D E R

IT IS HEREBY ORDERED that:

1. Application No. 51922, as amended, of Redwood Radiotelephone Corporation and Redwood Radiotelephone Corporation-Marin, to discontinue public utility radiotelephone service and to cancel their tariffs on file with this Commission, is granted and said tariffs are hereby cancelled.

2. The complaint of California Mobile Telephone Company in Case No. 9071 herein, as amended, is dismissed.

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

Dated at San Francisco, California, this 22nd day of SEPTEMBER, 1970.

[Signature]
Chairman

[Signature]

[Signature]

[Signature]
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

Commissioner Thomas Moran, being necessarily absent, did not participate in the disposition of this proceeding.