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ORIGINAL

Decision No. 79190

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

KIDD'S COMMUNICATIONS, INC., and  
THOMAS R. POOR, dba KERN RADIO  
DISPATCH,

Applicants.

Application No. 52843  
(Filed September 2, 1971)

O P I N I O N

Applicants request action by this Commission to authorize the AGENCY CONTRACT FOR THE FURNISHING OF ONE-WAY PAGING UTILITY SERVICE IN THE SOUTHERN SAN JOAQUIN VALLEY AREA, CALIFORNIA, copy of which is attached to the application as Exhibit A, for filing with applicants' tariffs in accordance with General Order 96-A, paragraph X(A).

The contract between the applicants is, as it relates on its face, a proposed resolution of all pending or current disputes, protests and disagreements between the applicants which are related to the regulated utility business in which each of the parties is engaged. Applicants believe that it is strongly in the public interest that such disputes, protests and disagreements be resolved at the earliest possible moment.

In Advice Letter No. 4, dated December 2, 1970, Thomas R. Poor filed with this Commission a proposed Schedule L-2 to the tariffs of Kern Radio Dispatch whereby one-way paging or signaling service, and equipment installation, rental and maintenance was to be offered to the public. Thereafter Kidd's Communications, Inc. protested and filed a formal complaint, which was assigned Case No. 9175, and the Commission, assigning Case No. 9184, issued an ORDER OF SUSPENSION AND INVESTIGATION on January 26, 1971. The suspension subsequently was extended on June 29, 1971, and is presently effective until and including November 1, 1971.

There existed and still exist contemporaneously various disputes, protests and cross filings on the part of the applicants at the Federal Communications Commission with respect to frequencies being requested by the applicants for licensing from the Federal Communications Commission.

The Agency Contract, if authorized by this Commission, will terminate all current disputes, protests, disagreements and cross filings both at the California Public Utilities Commission and at the Federal Communications Commission. California Public Utilities Commission Case Nos. 9175 and 9184 have been submitted on stipulations for withdrawal and dismissal, if this application is approved; and Washington communications counsel for both applicants have advised that all disputes, disagreements and cross filings at the Federal Communications Commission are in posture to be withdrawn or dismissed without any formal Federal Communications Commission action required, upon authorization of this Commission of the Agency Contract submitted herewith.

Findings of Fact and Conclusions of Law

The Commission has considered the request of applicants and finds and concludes that the application should be granted and that a public hearing is not necessary; therefore,

IT IS HEREBY ORDERED that applicants be and they are authorized to carry out the terms and conditions of the written contract attached to the application as Exhibit A, and to render the service described therein under the terms, charges and conditions stated therein.

IT IS HEREBY FURTHER ORDERED that applicants shall:

a. File with the Commission within thirty days after the effective date of this order, two certified copies of the contract as executed together with a statement of the date on which the contract is deemed to have become effective.

b. Notify this Commission of the date of termination of said contract within thirty days from and after said date of termination.

The effective date of this order shall be the date hereof.

Dated at San Francisco, California, this 28th  
day of SEPTEMBER, 1971.

William S. ... Chairman  
Vernon L. ...  
J. P. Vukasin, Jr. Commissioners

Commissioner J. P. Vukasin, 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.