

ORIGINAL

Decision No. 79253

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

KIDD'S COMMUNICATIONS, INC.,
Complainant,

vs.

KERN RADIO DISPATCH,
Defendant.

Case No. 9175
(Filed January 15, 1971)

In the Matter of the Suspension and Investigation on the Commission's own motion of the tariff sheets covering the offering of "One-Way Radio Paging Communications," filed under Advice Letter No. 4 and Advice Letter No. 4 supplement by Kern Radio Dispatch.

Case No. 9184
(Filed January 26, 1971)

Philips B. Patton, Attorney at Law, for Kidd's Communications, Inc., complainant in C-9175; protestant in C-9184.

Warren A. Palmer, Attorney at Law, for Kern Radio Dispatch, respondent in C-9184; defendant in C-9175.

Harold D. Seielstad, for the Commission staff.

ORDER OF DISMISSAL AND DISCONTINUANCE

By 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. By Decision No. 78874 the suspension subsequently was extended on June 29, 1971, and is presently effective until and including November 1, 1971.

On May 10, 1971, a prehearing conference on the matters was held in San Francisco before Examiner Gillanders. The parties, after discussion, stipulated that there were eight issues that required resolution by the Commission and, therefore, hearings were scheduled for August 10, 11, and 12, 1971.

Hearing was held in San Francisco on August 10, 1971, before Examiner Gillanders.

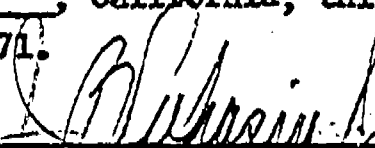

The parties presented a proposed "Agency Contract for the Furnishing of One-way Paging Utility Service in the Southern San Joaquin Valley Area, California" and stipulated that if the contract was approved by the Commission, such contract would terminate all current disputes, protests, disagreements and cross-filings between the parties which are now before this Commission.


The examiner suggested that the parties file a joint application requesting Commission authorization of the agency contract.


The parties on September 2, 1971, did file such an application - No. 52843. By Decision No. 79190, dated September 28, 1971, the Commission authorized applicants to carry out the terms and conditions of the agency contract.

Good cause appearing, therefore, IT IS HEREBY ORDERED that Case No. 9175 is dismissed and that Case No. 9184 is discontinued.

Dated at San Francisco, California, this 19th day of OCTOBER, 1971.


 _____ Chairman





 _____ Commissioners