

ORIGINAL

Decision No. 79951

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of INTRASTATE RADIOTELEPHONE, )  
INC. OF SAN FRANCISCO, a California Cor- )  
poration; MOBILE RADIO SYSTEM OF SAN JOSE, )  
INC., a California Corporation; JOSEPH A. )  
SMILEY, dba CENTRAL EXCHANGE MOBILE RADIO; )  
AND TEL-PAGE, INC., a California Corpora- )  
tion, )

Complainants, )

v. )

JEROME GROTSKY, ARTHUR STRICKLER, DOES ONE )  
THROUGH FIFTY, )

Defendants. )

Case No. 9305

(Filed December 13, 1971;  
Amended February 10, 1972)

Philips B. Patton, Attorney at Law, for Intrastate  
Radiotelephone, Inc. of San Francisco and  
Joseph A. Smiley, dba Central Exchange Mobile  
Radio; and Carl Hilliard, Attorney at Law, for  
Tel-Page, Inc. and Mobile Radio System of San  
Jose, Inc.; complainants. ✓

Robert N. Lowry, Attorney at Law, for Arthur  
Strickler; Bertram Silver and John Fischer,  
Attorneys at Law, for Jerome Grotsky; and  
Jerome Grotsky, for himself; defendants. ✓

Rufus Thayer, Attorney at Law, and Harold  
Seielstad, for the Commission staff.

ORDER OF DISMISSAL

The Commission, on consideration of the complaint filed by  
the above complainants on December 13, 1971, issued and duly served  
a Temporary Restraining Order and Order to Show Cause (Decision  
No. 79520, dated December 21, 1971), returnable December 29, 1971,  
requiring defendants to appear and show cause why a cease and desist  
order should not issue prohibiting defendants from adding, or solicit-  
ing, new users or subscribers to their radiotelephone 1-way signaling

system, with transmission equipment on San Bruno Mountain, San Mateo County, until such time as the Commission has decided the complaint herein.

Public hearing on the Order to Show Cause was held before Examiner Gillanders at San Francisco on December 29, 1971.

By Decision No. 79623, dated January 18, 1972, it was ordered as follows:

- "1. The temporary restraining order heretofore issued by Decision No. 79520 is dissolved.
- "2. The motion of complainants for injunctive relief is denied.
- "3. The motion of defendant Grotsky regarding disqualification of the staff is denied.
- "4. The staff is a party to the proceeding to the degree indicated by the presiding officer at further hearings to be held in this matter.
- "5. All other motions are denied in view of ordering paragraph No. 1 above."

On February 10, 1972, complainants amended their complaint by substituting the real names for the names Does one through four.

Hearing on the complaint was held before Examiner Gillanders on February 22, 1972.<sup>1/</sup>

After numerous exhibits were introduced, recesses taken to give parties a chance to negotiate, motions made, and argument presented, all parties stipulated that the issues raised by the complaint were now moot and therefore they moved that the complaint be dismissed.

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<sup>1/</sup> At this hearing, complainants requested that Does five through fifty be dismissed and they provided names for Does one through four.

All parties having requested that the above complaint be dismissed,

IT IS HEREBY ORDERED that said complaint in Case No. 9305 is dismissed.

Dated at Los Angeles, California, this 18<sup>th</sup> day of APRIL 1, 1972.

J. M. Wilson Jr.  
Chairman  
William Lyndon  
Mark  
James L. Strong  
Commissioners