

Decision No. 80069

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Industrial Communications Systems, Inc.,

Complainant,

Case No. 9373

vs.

R. L. Mohr, dba Radio Call Corp., Advance
Electronics, Multiple M Enterprises, Advance
Radiotelephone Co. and Does 1 thru X,

Defendant.

ORDER DENYING CEASE AND DESIST
AND
ORDER TO SHOW CAUSE

Complainant is a telephone corporation operating as a radio-telephone utility in the Counties of Los Angeles and Orange. Defendant is also a telephone corporation operating as a radio-telephone utility in an area which is both adjacent to and overlaps the service area of complainant.

Complainant alleges that defendant is attempting to expand its territory and move its transmitter without requisite authority from this Commission. Complainant further alleges that defendant has failed to obtain the number of mobile telephone units as was predicted by defendant in his application for a certificate; that defendant is operating as a "pseudo common carrier" outside of his certificated service area, and other allegations of disagreements and grievances between complainant and defendant. Complainant requests a cease and desist order be issued restraining defendant

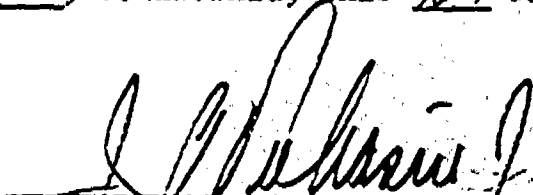
from continuing acts asserted in the complaint, and an order requiring defendant to show cause why complainant should not be granted the operational rights granted to defendant in Decision No. 66101.

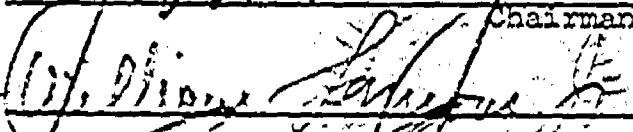
A review of the complaint does not reveal sufficient facts of an emergency nature to justify issuance of the extraordinary relief requested. Complainant has alleged no irreparable harm which will occur without immediate relief.

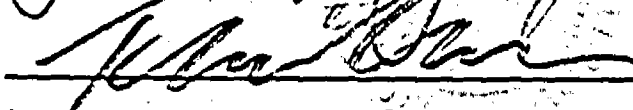
IT IS ORDERED that complainant's request for a cease and desist order and an order to show cause is hereby denied. Nothing in this order is meant to restrict any right complainant may have to raise these issues at such hearing as may be ordered in these proceedings.


The effective date of this order is the date hereof.


Dated at San Francisco, California, this 16th day of MAY, 1972.



Chairman








Commissioners