

Decision No. 81312

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Industrial Commu-  
nications Systems, Inc., Intrastate  
Radiotelephone, Inc. of Los Angeles,  
Mobiltone, Inc., Radio Page Commu-  
nications, Inc.,

Complainants,

vs.

The Pacific Telephone and Telegraph  
Company and General Telephone of  
California,

Defendants.

Case No. 9395  
(Filed June 26, 1972)

In the Matter of the Suspension and  
Investigation on the Commission's  
own motion of tariffs filed under  
The Pacific Telephone and Telegraph  
Company Advice Letter No. 10834,  
establishing a radio paging personal  
signaling service in the Los Angeles  
Extended Area.

Case No. 9396  
(Filed June 27, 1972)

In the Matter of the Suspension and  
Investigation on the Commission's  
own motion of tariffs filed under  
General Telephone Company of Cali-  
fornia Advice Letter No. 2765,  
establishing a radio paging per-  
sonal signaling service in the Los  
Angeles Extended Area.

Case No. 9397  
(Filed June 27, 1972)

Philips B. Patton and Warren A. Palmer, Attorneys at Law, for Industrial Communications, Inc., Intrastate Radiotelephone, Inc. of Los Angeles, Mobilfone, Inc., and Radio Page Communications, Inc., complainants.  
Milton J. Morris, Attorney at Law, for The Pacific Telephone and Telegraph Company defendant in C. 9395 and respondent in C. 9396.  
A. M. Hart, H. Ralph Snyder, Jr., and Dennis L. Delbert, by H. Ralph Snyder, Jr., Attorney at Law, for General Telephone Company of California defendant in C. 9395 and respondent in C. 9397.  
Robert E. Murphy, Attorney at Law, for Small Business Administration; David G. Berg, for American Mobile Radio, Inc.; Carl Hilliard, Attorney at Law, for Radio Dispatch Corp., and R. L. Mohr dba Radio Call; Ben Warner, for Orange County Radiotelephone Service, Inc.; Patrick J. O'Shea, Attorney at Law, for Airsignal of California; Joseph A. Smiley, for Central Exchange Radio/Telephone; Phillips Wyman, for Salinas Valley Radio Telephone Co.; Frank Chalfont, for Chalfont Communications; Robert L. Mohr, in his own behalf, R. L. Mohr dba Radio Call; Peter A. Nenzel, for Tel-Page, Inc.; George L. Oakley, for Imperial Communications Corp.; and Louis Possner, for the City of Long Beach, interested parties.  
Janice E. Kerr, Attorney at Law, and Paul Popenoe, Jr., for the Commission staff.

ORDER PERMANENTLY SUSPENDING  
PROPOSED TARIFF SCHEDULES

The Pacific Telephone and Telegraph Company (Pacific) and General Telephone Company of California (General) filed, on May 31, 1972 and June 2, 1972, respectively, by Advice Letters Nos. 10834 and 2765, tariffs covering the proposed provision of one-way personal signaling service in the Los Angeles Extended Area.

On June 26, 1972, Industrial Communications Systems, Inc., Intrastate Radio Telephone, Inc. of Los Angeles, Mobilfone, Inc., and Radio Page Communications, Inc. (complainants), filed a formal complaint, Case No. 9395, against Pacific and General requesting, among other things, that the Commission suspend the signaling tariffs proposed by Pacific and General.

The Commission, on June 27, 1972, pursuant to Section 455 of the Public Utilities Code, issued orders of suspension and investigation, Cases Nos. 9396 and 9397, which suspended the proposed tariffs to and including October 28, 1972. These cases were consolidated for hearing with Case No. 9395. The suspension of the effective date of the tariffs was extended by Decision No. 80623 dated October 17, 1972 to a date six months beyond October 28, 1972, or April 28, 1973.

Public hearings were held before Examiner Boneysteele at Los Angeles on November 10, 13, 14, 15, 16, 27, 30 and December 1, 1972, and 38 exhibits were received. No hearings have been held since December 1, 1972 because of the press of other Commission business. It appearing that a decision on the suspended tariffs might not be rendered prior to April 28, 1973, Pacific, General, and complainants, on March 29, 1973, filed a stipulation by which they agreed that in the event the Commission did not issue a decision in Cases Nos. 9395, 9396, and 9397 on or before March 30, 1973, Pacific and General would withdraw and refile their proposed tariffs for one-way personal signaling service in the Los Angeles Extended Area on or before April 4, 1973. Pacific, General and complainants also agreed that the entire record in Cases Nos. 9395, 9396, and 9397 should apply to and become part of any and all proceedings respecting such refiled tariffs. The effect of refiling of the suspended tariffs would be to allow the Commission to suspend the refiled tariffs again for a period of 120 days, and for a further period not exceeding six months thereafter, if required.

The Commission will be unable to conclude its investigation into the reasonableness of the proposed tariffs before April 28, 1973. In view of the extensive record compiled in this case, the proposal of the parties that the tariffs be withdrawn and refiled appears the most practical way of handling the matter. The order which follows will provide that the tariffs be permanently suspended and that, should they be refiled and again suspended, the entire record in Cases Nos. 9395, 9396, and 9397 shall become part of any and all proceedings respecting the refiled tariffs.

Findings and Conclusion

1. A decision in Cases Nos. 9396 and 9397 cannot reasonably be issued before the statutory deadline of April 28, 1973.
2. The reasonableness of the tariffs filed by Advice Letters Nos. 10334 and 2765 has not been demonstrated, and said tariffs should, therefore, be permanently suspended.
3. Should any similar tariffs be refiled and suspended, the entire record in Cases Nos. 9395, 9396, and 9397 should apply to and become part of any and all proceedings respecting such refiled tariffs.

O R D E R

IT IS ORDERED that:

1. The suspension of tariffs filed by Advice Letter No. 10334 of The Pacific Telephone and Telegraph Company, and by Advice Letter No. 2765 of General Telephone Company of California is hereby made permanent.

2. Should any tariffs similar to those permanently suspended by this order be refiled and temporarily suspended, the entire record in Cases Nos. 9395, 9396, and 9397 shall apply to and become part of any and all proceedings respecting such refiled tariffs.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 24th day of APRIL, 1973.

Vernon L. Sturgeon  
President  
William L. Lyons, Jr.  
J. H. H. H.  
Commissioners

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

Commissioner D. W. Holmes, being necessarily absent, did not participate in the disposition of this proceeding.