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Decision No. 82245

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of:

INTRASTATE RADIO TELEPHONE, INC.  
OF SAN FRANCISCO and  
TEL-PAGE, INC.,

Complainants,

Case No. 9638

v.

SAN FRANCISCO MEDICAL SOCIETY,  
DOE I, DOE II, DOE III, DOE IV,  
and DOE V,

Defendants.

ORDER DENYING INTERIM RELIEF  
AND REQUIRING IMMEDIATE ANSWER

Complainants allege that defendants propose to institute radio paging service to the public for compensation in the area served by complainants. Complainants further allege that this action would cause immediate and irreparable harm to complainants.

Attached to the complaint as Exhibit A is a memorandum on the letterhead of San Francisco Medical Society indicating an intention to begin a radio paging and telephone answering service some time after March 1, announcing projected costs per doctor for the various proposed services, and requesting a reaffirmation of intent to subscribe to a particular service at such time as a Federal Communications Commission license is obtained.

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Complainants ask, inter alia, for the immediate issuance of an order to show cause why a cease and desist order should not be imposed on defendants restraining defendants from offering service or constructing facilities until such time as defendants have obtained a certificate of public convenience and necessity from this Commission. Complainants further request that this order to show cause be set for hearing approximately 45 days after its issuance, thereby providing complainants the opportunity to institute discovery proceedings.

The Commission notes that complainants do not seek hearings on their requested order to show cause for 45 days after its issuance. We also note that complainants are making assertions on information and belief, and contemplate taking depositions to obtain additional information prior to these hearings.

On the basis of the limited factual allegations in the complaint the Commission is reluctant to issue an order to show cause which would not be heard for one and a half months after issuance. However, we do recognize the peril faced by complainants if the activity which they allege comes to fruition. Accordingly, we shall deny complainants request for an order to show cause, but shall expedite the processing of this complaint by requiring defendants to answer the complaint within ten days of the service of the complaint. Hearings on this matter will be held at such time and place as may later be set upon ten days notice by the Secretary. By this order the Commission does not intend to foreclose complainants from renewing their request for interim relief when more facts are available.

IT IS ORDERED That:

1. Complainants request for an order to show cause is denied.

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2. Defendants shall answer the complaint herein within ten days of the date of service of the complaint.

The Secretary is directed to cause service of this order on defendants at the same time as service of the complaint.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 7<sup>th</sup> day of DECEMBER, 1973.

Vernon L. Sturgeon  
President  
William Synson Jr.  
William Synson Jr.  
William Synson Jr.  
William Synson Jr.  
Commissioners