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Decision No. 83376

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of PENINSULA RADIO  
SERVICE, INC.,

Complainant,

v.

SAN MATEO COUNTY MEDICAL SOCIETY,  
aka SAN MATEO MEDICAL SOCIETY,  
Doe I, Doe II, Doe III, Doe IV

Defendants.

Case No. 9651  
(Filed July 16, 1974)

ORDER GRANTING STAY

On August 12, 1974, the Commission issued Decision No. 83298 which, inter alia, found Defendants herein and Mr. Gene C. Taylor, Defendants' Executive Director, guilty of contempt of the Commission's cease and desist order issued in this proceeding in Decision No. 82386 on January 22, 1974.

On August 22, 1974, Defendants filed an application for rehearing of Decision No. 83298. On August 26, 1974, Defendants filed an application requesting that the Commission stay the execution of its order issued in Decision No. 83298 pending the outcome of the application for rehearing.

Defendants allege that the interests of justice would best be served by a grant of the requested stay because their application for rehearing raises substantial questions as to the constitutional validity of both Decision No. 83298 and Decision No. 82386. Defendants allege that execution of the Commission's order, with a subsequent ruling in favor of Defendant on its application for rehearing, would be inequitable and unjust.

Furthermore, Defendants allege that on July 25, 1974, Defendants' radio system discontinued operation so that granting its request for a stay will not cause further injury to the Complainant.



Finally, Defendants allege that the issuance of a stay would be consistent with the tenor of the Commission's order in Decision No. 82386. In this regard, Defendants state that the Commission attempted to mitigate any injury to Defendants, pending a determination of the Commission's jurisdiction over said Defendants.


Without ruling on the particular allegations of Defendants' application for a stay, and based on Defendants' allegation that operation of Defendants' communication system has ceased, we believe that the effectiveness of Decision No. 83298 should be stayed pending our disposition of Defendants' application for rehearing.

THEREFORE, IT IS ORDERED that the execution of our order in Decision No. 83298 is hereby stayed pending our disposition of Defendants' application for rehearing; provided that, Defendants provide the Commission, on or before August 29, 1974, with a sworn affidavit that radio telephone operations have ceased and such operations will not be reinstituted during the pendency of this proceeding. This order is without prejudice to any final decision we may issue in this matter.

The effective date of this order is the date hereof.

Dated at San Francisco, California this 28th day of August, 1974.

  
President  


  
Commissioners

Commissioner J. P. Vukasin, Jr., being necessarily absent, did not participate in the disposition of this proceeding.

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