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Decision No. 84161

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

MOBILE RADIO SYSTEM OF  
SAN JOSE, INC.,  
Complainant

vs.

INTRASTATE RADIOTELEPHONE, INC.  
OF SAN FRANCISCO, ACTION-PHONE  
ANSWERING SERVICE, BLOSSOM VALLEY  
ANSWERING BUREAU, TEL-PAGE ANSWER-  
ING SERVICE, and MISSION TELE-  
PHONE ANSWERING BUREAU.

Defendants

Case No. 9871

ORDER DENYING INTERIM RELIEF

Complainant is a radiotelephone utility regulated by this Commission. Defendant INTRASTATE RADIOTELEPHONE, INC., of San Francisco (INTRASTATE) is also a radiotelephone utility under this Commission's jurisdiction. The remaining defendants are allegedly telephone answering services, and are not regulated by this Commission.

Complainant alleges that defendant INTRASTATE, through the use of defendant's telephone answering services, has unlawfully invaded complainant's service area. Complainant alleges that, in concert with the telephone answering services, defendant INTRASTATE has established message centers outside its service area, has foreign exchange lines extending outside its service area, advertises outside of its service area, represents to potential customers that it provides service beyond its service area, and requires the use of commercial answering service as a condition to receipt of utility service. According to complainant, all of these actions are improper and unlawful. Complainant requests issuance of an immediate ex parte restraining order forbidding these activities pending a hearing and

final order of the Commission permanently enjoining the activities complained of. In support of its request for interim relief, complainant alleges loss of patronage and revenue as well as unfair, unlawful, and fraudulent interference with its business.

We cannot tell from the complaint how many customers are allegedly subscribing to what has been characterized as unlawful service by defendants. Thus we have no way of knowing whether this is a serious interference with complainant's business, assuming the allegations of the complaint are proved to be true. Therefore, we shall decline to grant interim relief.

In fairness to complainant, defendants are hereby cautioned that failure to grant the interim relief requested herein should not be interpreted as encouragement by this Commission for expansion of the activities which form the basis for this complaint. Neither the costs of removing the equipment and canceling contracts made pursuant to these activities nor the inconvenience to the customers will be considered by the Commission as adequate reason for continuing what complainant may prove to be unlawful activities.

IT IS ORDERED that:

Complainant's request for interim relief is denied.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 4th  
day of MARCH, 1975.

Vernon L. Stinson  
President  
William J. Lyons  
Edward J. Lyons  
Leonard Ross  
Commissioners