dlm
Decision No. 84724

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

ORIGINAL

AIRSIGNAL OF CALIFORNIA, INC., Complainant vs. CITIZENS UTILITIES COMPANY OF CALIFORNIA, Defendant	CASE NO. 9944

ORDER GRANTING INTERIM RELIEF

AND

ORDER TO SHOW CAUSE

Complainant is a radiotelephone utility certificated by this Commission. Defendant is a landline public utility telephone company regulated by this Commission.

Complainant alleges that defendant filed Advice Letter No. 229 with this Commission on November 12, 1974, which sought to add mobile telephone and one-way paging to defendant's public utility service near Elk Grove. This area is within complainant's service area.

General Order No. 96-A, III, G, 1 requires notice of such a filing to competing utilities. Complainant alleges defendant did not give notice to complainant of the advice letter filing.

Exhibit A, attached to the complaint, is a letter from complainant to the Commission dated May 5, 1975, indicating that complainant had not been given notice of Advice Letter No. 229, asserting that the service area was beyond defendant's "certified service area", and that the proposed rates were noncompensatory.

It asked that the tariffs in this advice letter be suspended and an order of investigation be instituted.

Exhibit B, attached to the complaint, is a letter from the Secretary of the Commission dated May 9, 1975, indicating that suspension orders are normally issued prior to thirty days after filing of an advice letter, and that the proper course of action in this instance would be a complaint.

If complainant was not given notice of the advice letter filing, as it alleges, and it was entitled to such notice as a competing utility, it may well be subject to irreparable injury by competition within its service area. Complainant has shown good cause for interim relief.

IT IS ORDERED that:

1. Defendant shall cease and desist from providing new service under Advice Letter No. 229 pending further order of the Commission.

2. Complainant and defendant shall appear before Examiner Fraser at a time and place to be set, at which time defendant shall show cause why the order to cease and desist from providing new service under Advice Letter No. 229 should not continue until final order of the Commission in this proceeding.

The Secretary is directed to cause a copy of this order to be served on defendant. Complainant and defendant are cautioned that notice of the show cause hearing may be issued on less than 10 days notice.

The effective date of this order is the date thereof.

Dated at San Francisco, California this 29th day of July, 1975.

President

Commissioners

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