

Decision No. 84791

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CENTRAL RADIO TELEPHONE, INTRASTATE)	
RADIO TELEPHONE, INC., SALINAS VALLEY)	
RADIO TELEPHONE CO., SANTA CRUZ)	
TELEPHONE ANSWERING AND RADIO SERVICE,)	Case No. 9953
and TEL PAGE, INC.,)	
)	COMPLAINT AND
Complainants,)	REQUEST FOR
)	TEMPORARY
vs.)	RESTRAINING
)	ORDER
MOBILE RADIO SYSTEM OF SAN JOSE,)	
INC., and JOHN S. LANDES, M.D.,)	
)	
Defendants.)	

ORDER DENYING INTERIM RELIEF

Complainant alleges that:

Complainants are radiotelephone utilities certificated by this Commission. Defendant Mobile Radio System of San Jose, Inc. (Mobile) is also a radiotelephone utility. Defendant Landes is the holder of a license from the Federal Communications Commission for special emergency frequency. Under its Advice Letter No. 15, Mobile provides the transmitting and other equipment.

The crucial part of the complaint, insofar as the interim relief requested by complainants on an ex parte basis, is reproduced below:

"6. Complainants allege on information and belief that Landes and Mobile now seek to commence radio-telephone utility operations, including one-way

paging operations, without further authorization by this Commission, and that the system thus sought to be operated by them will have an effective radiated power approaching 1000 watts and will provide public utility services to a significant portion of the public in areas already served by Complainants and well outside of the areas certificated to Mobile."


There is no assertion that the service has started. There is no certainty that service, if and when started, will be provided to any portion of the public beyond the areas certificated to Mobile. Merely having power available to reach beyond a given area does not mean that customers will be sought.

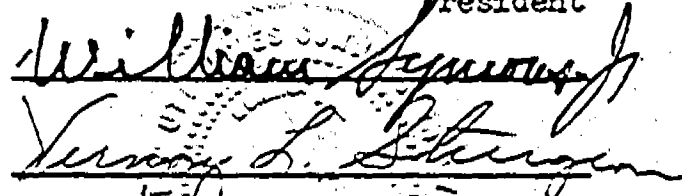
The Commission does not believe that the instant complaint has shown sufficient cause to demonstrate immediate and irreparable injury and thereby warrant issuance of interim relief. This request will be denied without prejudice. This ruling should not be construed as a ruling on any issue in the complaint in chief.


IT IS ORDERED that the request for ex parte relief in the form of a temporary restraining order is denied without prejudice.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 12th
day of AUGUST, 1975.



President


Vernon L. Sturgeon


Commissioners