

ltc

Decision No. 85378

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

AIR SIGNAL OF CALIFORNIA, INC.,

Complainant,

vs.

CITIZENS UTILITIES COMPANY OF
CALIFORNIA,

Defendant.

Case No. 9944
(Filed July 15, 1975)

Hilliard, McGuire & Bauer, by Carl Hilliard,
Attorney at Law, for Airsignal of California,
Inc., complainant.

Heller, Ehrman, White & McAuliffe, by Paul
Alexander, Attorney at Law, for Citizens
Utilities Company of California, defendant.

Farrand, Malti, Spillane & Cooper, by Wayne B.
Cooper, Attorney at Law, for Delta Valley
Radiotelephone Co., Inc., Electropage, Inc.,
and Delta Mobile Radio Service, Rio Vista,
protestants and intervenors.

O P I N I O N

This proceeding originated with a Complaint and Request for a Temporary Restraining Order filed on July 15, 1975. An Order Granting Interim Relief and Order to Show Cause (Decision No. 84724) was issued on July 29, 1975 which ordered defendant to "cease and desist from providing new service under Advice Letter No. 229." A Motion to Dissolve the Order Granting the Interim Relief was filed on August 4, 1975 and public hearings were held on August 22 and September 15, 1975. The matter was submitted on a stipulation executed by all parties including three new appearances (Delta Mobile Radio

Service, Delta Valley Radiotelephone Co., Inc., and Electropage, Inc.) who filed a Complaint in Intervention on September 23, 1975. The order which follows is based on and includes the entire stipulation of the parties.

O R D E R

IT IS ORDERED that:

1. Within ten days the parties hereto will agree upon an engineering change which will make the Citizens Elk Grove Exchange Area 39 DBU contour, prepared in conformance with FCC regulation 21.504, approximately co-terminus with the Citizens Elk Grove Exchange Area.
2. Citizens Utilities Company shall submit to the Commission's staff a list of potential subscribers now on its waiting list. This list should include subscribers for approximately 12 one-way pagers and 6 I.M.T.S.
3. Upon agreement by the parties to the engineering change the subscribers on the list referred to in paragraph 2 above may be served by Citizens Utilities Company, and Citizens Utilities Company shall immediately file with the FCC an application for special temporary authority to make the proposed antenna change and to take such further action as may be necessary to obtain approval of the proposed antenna change.
4. Effective immediately, Citizens Utilities Company may satisfy its own company requirements with regular radiotelephone and paging service.
5. After the antenna change has been completed, Citizens Utilities Company shall file a 39 DBU service area contour map as a part of its regularly filed tariff for the Citizens Elk Grove Exchange Area, and when said tariff becomes effective, this action shall be dismissed and the restraining order presently in effect shall be dissolved.

6. All parties having appeared in this action shall receive service of any documents relative thereto prepared or produced or filed with the Commission for transmittal to any other party.

7. This stipulation and order is adopted to resolve this proceeding only, and has no precedential effect.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 27th day of JANUARY, 1976.

President

 Commissioners