

Decision No. 86245

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Industrial Communications )  
Systems, Inc.; Intrastate Radiotelephone, )  
Inc. of Los Angeles; Mobilfone, Inc.; Radio )  
Page Communications, Inc., )

Complainants, )

v. )

Pacific Telephone and Telegraph Company )  
and General Telephone Company of California, )

Defendants. )

Case No. 9395  
(Filed June 26, 1972)

In the Matter of The Pacific Telephone and )  
Telegraph Company, )

Complainant, )

v. )

Industrial Communications Systems, Inc. )  
Intrastate Radiotelephone, Inc. of Los )  
Angeles; Mobilfone, Inc.; and Radio Page )  
Communications, Inc., )

Defendants. )

Case No. 9450  
(Filed October 6, 1972)

In the Matter of the Suspension and )  
Investigation on the Commission's own )  
motion of tariffs filed under General )  
Telephone Company of California Advice )  
Letter No. 3121 establishing a radio )  
paging personal signaling service in the )  
Los Angeles Extended area. )

Case No. 9715  
(Filed April 23, 1974)

In the Matter of the Suspension and )  
Investigation on the Commission's own )  
motion of tariffs filed under The Pacific )  
Telephone and Telegraph Company Advice )  
Letter No. 11277, establishing a radio )  
paging personal signaling service in the )  
Los Angeles Extended Area. )

Case No. 9716  
(Filed April 23, 1974)

ORDER DENYING REHEARING AND  
MODIFYING DECISION NO. 85356

On January 20, 1976, a document styled as a "Petition for Rehearing and Reconsideration of Decision No. 85356, and for Consolidation of Case No. 9757" was timely filed by Industrial Communications Systems, Inc., Intrastate Radiotelephone, Inc. of Los Angeles, and Radio Page Communications, Inc., now Radio Relay, Inc. (hereinafter referred to collectively as ICS).<sup>1/</sup> On February 9, 1976, a petition for Rehearing and Reconsideration of Decision No. 85356 was filed by Chalfont Communications (Chalfont). The Pacific Telephone and Telegraph Company (Pacific) filed a response to the ICS document on February 12, 1976. On February 18, 1976, General Telephone Company of California (General) submitted a filing therein adopting Pacific's February 13th response. Finally, on March 1, 1976, ICS filed a reply to the responses.<sup>2/</sup> The Commission has considered each and every allegation of the petitions and is of the opinion that good cause for rehearing has not been made to appear.

There are, however, two matters that should be corrected.

Petitioners object to Finding No. 11 in Decision No. 85356 wherein we stated:

"11. The service proposed by Pacific and General is technically different from, and incompatible with, service now being provided by complainants or that being installed by complainants."

After further review we must agree with petitioners that this finding is not accurate. Evidence in this record shows that one radiotelephone utility party does use Martin Marietta receivers and a Martin Marietta terminal, although not exclusively. Thus, Finding No. 11 should be modified. Taking into

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<sup>1/</sup> The timely filing by ICS acted to suspend Decision No. 85356 pursuant to Public Utilities Code, Section 1733.

<sup>2/</sup> On March 30, 1976, we issued Decision No. 85653 continuing the suspension automatically imposed by the first ICS filing.

account this factual modification, petitioners' arguments, and all other evidence in this case, we conclude we properly weighed and determined the antitrust considerations involved.

Secondly, while the Commission found that the two-way mobile telephone service area contours of General include generally the LAEA, we did note in Finding No. 6 that Pasadena-Monrovia was not so included. Inadvertently, we did not provide, as recommended by staff, a corresponding limitation on service to be provided by General in the ordering paragraphs of Decision No. 85356. We will therefore so modify Ordering Paragraph No. 1.

THEREFORE IT IS ORDERED that:

1. Rehearing and reconsideration of Decision No. 85356 are hereby denied.
2. Finding No. 11 in Decision No. 85356 is hereby modified as follows:  
"11. Except for the limited use of Martin Marietta receivers and a Martin Marietta terminal by ICS, the service proposed by Pacific and General is technically different from service now being provided by complainants or being installed by complainants."
3. Ordering Paragraph No. 1 of Decision No. 85356 is hereby modified to read as follows:

- "1. Respondents The Pacific Telephone and Telegraph Company (Pacific) and General Telephone Company of California (General) are authorized to construct and operate an automatic one-way radio paging service within the Los Angeles Extended Area and to provide service at the rates and under the conditions set forth in Appendix B attached hereto, after filing tariffs in accord with the provisions of General Order No. 96-A and making such tariffs effective on not less than five days' notice to the Commission and the public, providing further however, that General shall not provide one-way service in the Pasadena-Monrovia area."

In all other respects, the provisions of Decision No. 85356 remain in full force and effect.

The effective date of this order is the date hereof.

Dated at San Francisco, California, this 10<sup>th</sup>  
day of AUGUST, 1976.

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President  
*William J. Lyons*  
*Vernon L. Sturgeon*  
*Don*  
\_\_\_\_\_  
Commissioners

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

Commissioner Robert Batimovich, being necessarily absent, did not participate in the disposition of this proceeding.