

Decision 84 08 025 AUG 1 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of  
INTRASTATE RADIO TELEPHONE, INC. OF  
SAN FRANCISCO, a corporation, for  
authorization to construct additional  
radiotelephone utility facilities in  
the San Jose area to serve San Jose,  
Campbell, Los Gatos, and Saratoga.

Application 61093  
(Filed December 1, 1981)

O P I N I O N

Decision (D.) 82-06-067 in this matter authorized the construction and operation of a new transmitter by applicant Intrastate Radio Telephone, Inc. By agreement between applicant and protestant, Mobile Radio System of San Jose, Inc., the facility was to be operated with a directional antenna and low power. This would have limited the overlap between the parties' service territories.

The proceeding was held open to consider whether the stipulated restrictions were adverse to the public interest in competition (cf. Northern Calif. Power Agency v CPUC (1971) 5 C 3d 370).

There have been no protests challenging the agreement between applicant and protestant. It does not appear that any significant anticompetitive effect has resulted or that the restrictions are adverse to the public interest. We, of course, have the power to order full power or omnidirectional operation in the future if such operation is required by the public interest.

Finding of Fact

We find that no useful purpose would be served by further proceedings.

Conclusions of Law

1. The proceeding should be closed.
2. Since the order is noncontroversial it should be effective immediately.

O R D E R

IT IS ORDERED that applicant is authorized to operate the facilities authorized by D.82-06-067 within the predicted service contours set forth in Exhibit 2 of record in A.61093.

This order is effective today.

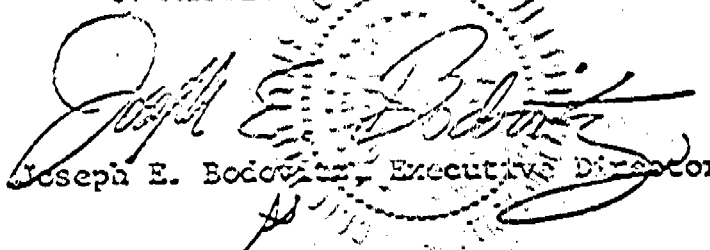
Dated AUG 1 1984, at San Francisco, California.

Commissioner Priscilla C. Grew,  
being necessarily absent, did  
not participate

Commissioner William T. Bagley  
being necessarily absent, did  
not participate.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
DONALD VIAL  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS

  
Joseph E. Bodovitz, Executive Director