

Decision 90 02 034 FEB 23 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Front Runner Messenger Service,)
Inc.,)

Complainant,)

vs.)

International Paging)
Corporation; Mobilcom,)

Defendants.)

ORIGINAL

(ECP)

Case 89-10-028

(Filed October 16, 1989)

O P I N I O N

Front Runner Messenger Service, Inc. (complainant) alleges that in February 1988 it entered into a contract with defendant International Paging Corporation (International) whereby International would provide a telephone paging service to complainant. Complainant paid International \$166. Complainant alleges that International was an agent of defendant Mobilcom and that neither International nor Mobilcom provided the services for which complainant contracted. Complainant made a demand on both defendants for a refund of \$166 and both refused. This suit followed.

International answered alleging that at the time of the contract it was not a public utility but was acting as an agent for Mobilcom and that the dispute arose "out of an operational problem of the Mobilcom system." Mobilcom did not answer. A public hearing is not necessary. At the time of contracting International was not a public utility but Mobilcom was, and is at this time.

We find that complainant paid International, as agent for Mobilcom, \$166 for telephone paging services which Mobilcom did not render.

We conclude that complainant is entitled to a refund of \$166 from Mobilcom.

ORDER

IT IS ORDERED that Mobilcom pay Front Runner Messenger Service, Inc. \$166 plus interest from March 1, 1988 to date paid. This order is effective today.

Dated FEB 23 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY


NEAL J. SHULMAN, Executive Director