

ORIGINAL

Decision 83 06 012 JUN 1 1983

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the Suspension and )  
Investigation on the Commission's )  
own motion of tariffs to revise the ) (I&S) Case 83-04-08  
Preliminary Statement filed under ) (Filed April 28, 1983)  
Advice Letter 22 of Radio Relay )  
Corporation-California. )

INTERIM OPINION

Radio Relay Corporation-California (Radio Relay) filed on March 31, 1983, by Advice Letter 22, tariff revisions which would:

1. Withdraw all tariff offerings of utility-provided pagers,
2. Establish an experimental call-measured service for customers who expect to be paged infrequently,
3. Change the location of Radio Relay's Palos Verdes transmitter, and
4. Include provision for two-way mobile service to be tariffed later.

This filing was requested to become effective upon regular statutory notice, May 1, 1983.

By letter of April 14, 1983, Warren A. Palmer, attorney for ICS Communications (ICS), protested this filing. ICS is a radiotelephone utility certificated by this Commission. The protest alleged that Radio Relay has never been authorized and certificated by this Commission to offer and provide two-way mobile telephone service, but is limited to one-way paging service.

It was further alleged that the Federal Communications Commission (FCC) grant of a license to Radio Relay in FCC Docket 21039 to share the 24 mobile channels assigned to the Los Angeles area in the 470-512 megahertz (MHz) band does not relieve Radio Relay of the necessity of applying for and obtaining from this Commission a certificate of public convenience and necessity (CPC&N) to provide two-way mobile telephone service in the Los Angeles basin. This Commission concluded that the protest set forth adequate grounds for postponing the effective date of the tariffs filed under Advice Letter 22. Consequently, (I&S) Case 83-04-08 was instituted to investigate the propriety and reasonableness of the tariff revisions filed by Radio Relay under Advice Letter 22 and each of the tariff sheets in it was suspended, as provided by statute, until the 120th day after the date such tariff sheets would become effective if not suspended, namely, August 29, 1983, unless otherwise ordered.

The suspension of the entire filing and institution of an investigation into the propriety and reasonableness of the tariff revisions filed by Radio Relay was necessary to satisfy statutory requirements for the suspension of any one of the tariff sheets.

However, it is noted that the protest filed by ICS relates only to that portion of Advice Letter 22 (proposed Revised Cal P.U.C. Sheet No. 149-T) which includes the offering and provision of two-way mobile telephone service. The other proposed tariff revisions relating to the withdrawal of all tariff offerings of utility-provided pagers, the establishment of an experimental call-measured service for infrequently paged customers, and the relocation of Radio Relay's Palos Verdes transmitter were not protested.

In Advice Letter 22, Radio Relay stated that the primary purpose of the filing was to withdraw its tariff offerings of equipment rental and maintenance in order to compete with other carriers who have effected similar withdrawals. All of the receivers and related equipment provided by Radio Relay to its subscribers was always owned by the utility's parent corporation and was never a part of the utility rate base. In accordance with the proposed tariffs customers will be able to purchase or lease pagers from other suppliers or continue their present leases with the parent company at existing rates. No effect on overall revenues is anticipated.

The filing also introduces, on an experimental basis, two alternate rates for the customer who expects to be paged only infrequently, and enables the customer to select a rate which will afford the lowest charge based upon anticipated usage. These alternate experimental rates are to run for 12 months from the effective date of this revision unless sooner canceled, changed, or extended. The revenue effect of this offering is unknown.

This filing also modifies the preliminary statement to change location of the low band Palos Verdes transmitter.

Since these provisions would now be in effect, but for the protest, this order should be effective when signed.

Findings of Fact

1. The revisions to Radio Relay's tariffs contained in proposed Revised Cal P.U.C. Sheet Nos. 150-T through 156-T are just and reasonable.

2. The rates, charges, and conditions contained in Revised Cal. P.U.C. Sheet Nos. 144-T, 145-T, 146-T, 106-T, 91-T, 147-T, and 148-T as they differ from the rates, charges, and conditions of proposed Revised Cal. P.U.C. Sheet Nos. 150-T through 156-T are for the future unjust and unreasonable.

Conclusions of Law

1. The suspension of Radio Relay's Revised Cal. P.U.C. Sheet Nos. 150-T through 156-T should be rescinded and these tariff sheets should be permitted to become effective.

2. Tariff sheet Revised Cal. P.U.C. Sheet No. 149-T should remain suspended pending hearings and a further Commission decision on Radio Relay's offering of two-way telecommunications service.

INTERIM ORDER

IT IS ORDERED that:

1. Authority is granted to make Radio Relay Corporation-California's tariff sheets Revised Cal. P.U.C. Sheet Nos. 150-T through 156-T effective today.

2. Revised Cal. P.U.C. Sheet Nos. 150-T through 156-T shall be marked to show that such sheets were authorized by this decision.

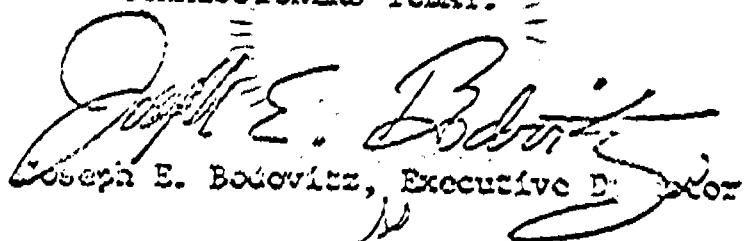
This order is effective today.

Dated JUN 1 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO  
PRISCILLA C. GREW  
DONALD VIAL  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director