

Decision 83 10 041

OCT 19 1983

ORIGINAL

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)
Preliminary Statement filed under)
Advice Letter 22 of Radio Relay)
Corporation-California.)

(I&S) Case 83-04-08
(Filed April 28, 1983)

FINAL OPINION AND ORDER

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 protested by ICS Communications (ICS) on the basis 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. As a result, (I&S) Case (C.) 83-04-08 was instituted to investigate the propriety and reasonableness of the tariff revisions filed under Advice Letter 22 and all of the tariff sheets were suspended. Interim Decision (D.) 83-06-012 dated June 1, 1983 removed the suspension from all the tariff sheets except tariff Sheet No. 149-T

containing the provision for two-way mobile service to be tariffed later. Sheet No. 149-T was to remain suspended pending hearings and further Commission action. By Application 83-08-73 Radio Relay seeks a certificate of public convenience and necessity to acquire and operate two-way radiotelephone utility facilities in the 470-512 MHz band throughout the greater Los Angeles area. This proceeding will encompass the requirement for certification addressed by C.83-04-08 as well as the proper tariffs and operation of such two-way mobile service. Under these circumstances, C.83-04-08 is unnecessary and should be terminated. Further, the suspension of tariff Sheet No. 149-T should be made permanent.

Finding of Fact

The matter of our inquiry into the necessity of Radio Relay's obtaining a certificate of public convenience and necessity to offer two-way mobile service is encompassed by Radio Relay's A.83-08-73 for a certificate of public convenience and necessity to acquire and operate two-way radiotelephone utility facilities in the 470-512 MHz band throughout the greater Los Angeles area.

Conclusions of Law

1. C.83-04-08 into the propriety and reasonableness of Radio Relay's Advice Letter 22 filing for the provision of two-way mobile service is no longer necessary because of Radio Relay's A.83-08-73 and therefore should be terminated.

2. Radio Relay's tariff Sheet No. 149-T should be permanently suspended.

IT IS ORDERED that:

1. (I&S) Case 83-04-08 is terminated.
2. Radio Relay Corporation-California's tariff

Sheet No. 149-T is permanently suspended.

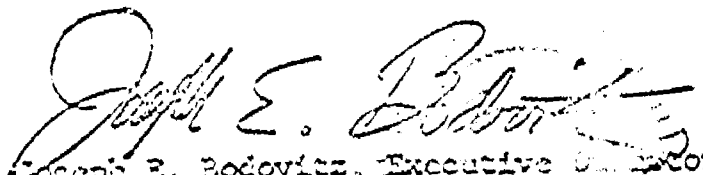
This order is effective today.

Dated OCT 19 1983, at San Francisco, California.

LEONARD M. CRIMES, JR.
President

VICTOR CALVO
FRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

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


Joseph E. Bodovitz, Executive Director