

ORIGINAL

Decision S3 10 043 OCT 19 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 offer new )  
automatic mobile telephone service )  
filed under Advice Letter 101 of )  
ICS Communications. )

(I&S)  
Case 83-05-08  
(Filed May 18, 1983)

O P I N I O N

ICS Communications (ICS) filed on March 22, 1983, by Advice Letter 101, tariff revisions which offer a new automatic mobile telephone service to operate in the 470-512 MHz frequency range.

By letter of April 11, 1983, this filing was protested by The Pacific Telephone and Telegraph Company (Pacific). Subsequently, by letter of April 21, 1983, it was protested by Wayne B. Cooper, attorney for Radio Relay Corporation-California (Radio Relay).

Pacific notes the statement in the advice letter that the new system will be supervised and managed by Common Carrier Communications, Inc. (CCC), the shareholders of which are eight certificated radiotelephone utilities (RTUs) in the Los Angeles basin, and alleges its understanding and belief that CCC will own some of the equipment used to provide service. Pacific questions the validity of the participation of CCC in this venture without the issuance of a certificate of public convenience and necessity to CCC itself.

The protest of Radio Relay alleges that, while the filing appears to be in the name of ICS alone, it is in fact part of a scheme whereby once the ICS tariff is effective, a group of ostensibly competitive carriers will concur therein and thereby fix prices for two-way radiotelephone service.

As a result of these two protests, the tariffs filed under Advice Letter 101 and each tariff sheet filed with it were suspended and this investigation into the propriety and reasonableness of the tariff revisions was instituted. In addition, the investigation was consolidated with the suspension and investigation of Radio Relay's Advice Letter 22, as ordered in Case 83-05-08.

By letter dated July 5, 1983 to Administrative Law Judge N. R. Johnson, ICS notified this Commission that it does not desire to pursue this tariff filing and requested that the suspension of Advice Letter 101 and accompanying tariff revisions be made permanent.

O R D E R

IT IS ORDERED that:

1. The suspension of Advice Letter 101 and accompanying tariff revisions is permanent.

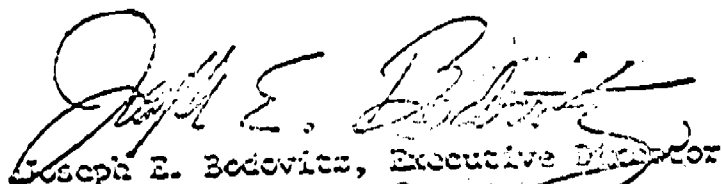
2. (I&S) Case 83-05-08 is terminated.

This order is effective today.

Dated OCT 19 1983, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President  
VICTOR CALVO  
FRISCILLA C. CREW  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners

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

  
Joseph E. Bedovitz, Executive Director