

ORIGINAL

Decision No. 87072

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

SANTA CRUZ TELEPHONE ANSWERING
AND RADIO SERVICE,

Complainant,

vs.

MOBILE RADIO SYSTEM OF SAN JOSE,
INC.,

Defendant.

Case No. 9943
(Filed July 14, 1975)

MOBILE RADIO SYSTEM OF SAN JOSE,
INC.,

Complainant,

vs.

VERLE BOGUE, dba SANTA CRUZ
TELEPHONE ANSWERING AND RADIO
SERVICE,

Defendant.

Case No. 9966
(Filed September 8, 1975)

O P I N I O N

Santa Cruz Telephone Answering and Radio Service (Santa Cruz) requests this Commission to issue an order restraining Mobile Radio System of San Jose, Inc. (Mobile) from representing to the Federal Communications Commission (FCC) that it requires no additional state authorization in its applications in FCC File Nos. 21462 and 21463.

According to Santa Cruz, Mobile, by its filings with the FCC, proposes to expand its present RTU service areas and r-f contours beyond existing operating limits and into areas currently served by Santa Cruz.

Mobile alleges that Santa Cruz by Filing No. 21465-CD-P-75 made with the FCC and by Advice Letter No. 13 made with this Commission is attempting to expand its service area far beyond its presently authorized service area. Mobile requests that any expansion be blocked until Santa Cruz's authorized service area has been determined.

As the parties wish to settle and compromise their differences and misunderstandings so as to make unnecessary hearings on the issues raised in these actions, they have submitted for our approval a "Memorandum of Agreement".

The agreement is summarized as follows:

- a. Mobile agrees that its application (File No. 21465-CD-P-75) now pending before the FCC for a construction permit for a one-way common carrier station on the frequency of 35.22 MHz to be located at Bald Mountain, California, will be amended to relocate its proposed transmitter to a site near Gilroy, California. Santa Cruz agrees to withdraw its petition to dismiss or deny Mobile's FCC application, File No. 21465-CD-P-75, as amended.
- b. Santa Cruz agrees to withdraw its complaint to the PUC, Case No. 9943 objecting to Mobile's proposed operations from Loma Prieta Mountain and withdraw its petition to dismiss or deny Mobile's FCC applications, File Nos. 21462-CD-P-75, and 21463-CD-P-75, for construction permits to operate from Loma Prieta Mountain. Mobile agrees to withdraw its complaint to the PUC, Case No. 9966, objecting to Santa Cruz's Advice Letter No. 13 and to withdraw its petition to dismiss or deny Santa Cruz's application, File No. 21260-CD-P-75, for a construction permit to add transmitters to its system on the frequencies 454.200 and 454.325 MHz.
- c. Santa Cruz agrees to withdraw as a complainant in PUC Case No. 9953 concerning Dr. Landes.
- d. All of the withdrawals mentioned above will request dismissals with prejudice as to the withdrawing party.

- e. Mobile agrees not to market Domestic Public Land Mobile Radio Service (DPLMRS) in Santa Cruz County. Santa Cruz agrees not to market DPLMRS in Santa Clara County.

We have reviewed the agreement and see no reason not to approve it.

O R D E R

IT IS ORDERED that:

1. The agreement between Santa Cruz Telephone Answering and Radio Service and Mobile Radio System of San Jose, Inc., as submitted in C.9943 and C.9966, is approved.
2. C.9943 is dismissed with prejudice.
3. C.9966 is dismissed with prejudice.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of MARCH, 1977.

Robert Baker
President

William L. Symons, Jr.

Leonard Ross

Richard D. Cavall
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.