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Decision No. 89526 OCT 17 1978

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

CENTRAL RADIO TELEPHONE, INTRASTATE )  
RADIO TELEPHONE, INC., SALINAS )  
VALLEY RADIO TELEPHONE CO., SANTA )  
CRUZ TELEPHONE ANSWERING AND RADIO )  
SERVICE, and TEL-PAGE, INC., )

Complainants, )

v. )

MOBILE RADIO SYSTEM OF SAN JOSE, )  
INC., and JOHN S. LANDES, M.D., )

Defendants. )

Case No. 9953  
(Filed July 31, 1975)

ORDER DENYING INTERVENTION

On February 15, 1977, Industrial Communications, Inc. (IC), a Radio Telephone Utility (RTU) under this Commission's jurisdiction, filed a petition to intervene and become a party to Case No. 9953. IC desires to intervene in the proceeding in support of the position of complainants and the relief sought by complainants, inasmuch as it claims it is directly and adversely affected by Decision No. 86490, dated October 13, 1976, in this proceeding (rehearing granted by Decision No. 86734, dated December 7, 1976), without notice of, or opportunity to be heard at, the hearing from which Decision No. 86490 emanated.

The record shows that Allied Telephone Companies Association (Allied) was an intervenor at the hearings in this matter. Allied was represented by Russ Harris. Records of this Commission show that Russ Harris was and still is an officer and director of IC. It is well known that IC has always been an active participant in the affairs of Allied. There is no

basis for IC's claim of lack of notice or opportunity. IC could have petitioned to intervene on its own behalf. IC chose to ~~be~~ <sup>MR</sup> represent Allied (through Russ Harris) and through Allied present its position. It may continue to do so when hearings are resumed.

It appears that intervention should not be granted in accordance with Rule 53 of this Commission's Rules of Practice and Procedure.

Therefore, IT IS ORDERED that Industrial Communications, Inc. is not an intervenor in Case No. 9953 and not a party to the proceeding.

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

Dated at San Francisco, California, this 17<sup>th</sup> day of OCTOBER, 1978.

<u>William Synovis</u>	President
<u>Veron L. Stutzman</u>	
<u>Robert C. Wood</u>	
<u>Clare J. Dedrick</u>	Commissioners

Commissioner Robert Batinovich, being necessarily absent, did not participate in the disposition of this proceeding.