

Decision No. 92092 JUL 29 1980.**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of General Telephone)
 Company of California for Certi-)
 ficate of Public Convenience and)
 Necessity under Section 1001 of)
 State of California for Authority)
 to offer Personal Signaling)
 Service Beyond the Boundaries of)
 its Pomona, Ontario, Redlands,)
 and San Bernardino Exchange.)

Application No. 58526
 (Filed December 14, 1978)

ORDER DENYING REHEARING AND DISCONTINUING
STAY OF DECISION NO. 91732

On May 15, 1980, a petition for rehearing of Decision No. 91732 was filed by Industrial Communications Systems, Inc., Intrastate Radio Telephone Inc. of San Bernardino, Intrastate Radio Telephone Inc. of Los Angeles, and Radio Relay Corp.-California (protestants). Radio Relay Corp.-California subsequently withdrew as a party to the petition. On June 6, 1980, a petition for rehearing was filed by General Telephone Company of California (General). By Decision No. 92050, issued July 15, 1980, the stay effected by the filing of protestants' petition was continued pending the outcome of our review of the petition. We have now completed that review and have carefully considered each and every allegation of error contained in both petitions. We are of the opinion that good cause for granting rehearing of Decision No. 91732 has not been shown. We do find, however, that modification of Decision No. 91732 to clarify our view that General has the burden of establishing the lawfulness of its two-way mobile radiotelephone service in the Pomona/Ontario-Redlands/San Bernardino areas and applying for a certificate of public convenience and necessity for that service.

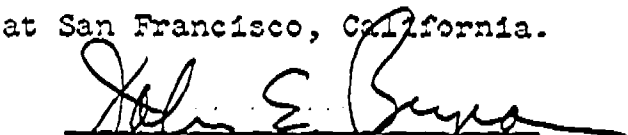
THEREFORE, IT IS ORDERED that the concluding paragraph under the heading, "Fitness", at pages 22 through 23 of Decision No. 91732 be modified as follows:


"The only issue before us in this proceeding is whether the public convenience and necessity would be served by granting General authorization to provide one-way paging service beyond its Pomona/Ontario-Redlands/San Bernardino wireline exchange boundaries. Contrary to protestants' contention, two-way mobile radiotelephone and one-way paging services are not interrelated. As an example, protestant RR-C does not provide two-way mobile radiotelephone service. The Administrative Law Judge properly denied protestants' attempt to expand this proceeding to consider this totally separate and unrelated matter and gave protestants' counsel ample opportunity to establish the relevancy of General's two-way mobile radiotelephone service offering to this proceeding, but he totally failed to make the necessary offer of proof to tie the two services together. We conclude that the Administrative Law Judge correctly excluded for lack of relevancy the proffered evidence regarding General's two-way mobile telephone service. However, because we are mindful of the Supreme Court's comments concerning General's two-way mobile radiotelephone system, we will require General to apply for a certificate of public convenience and necessity for that service to the extent that it is provided beyond General's wireline boundaries. Should General fail to file such an application within a reasonable period of time, we will consider an order instituting investigation into the matter."

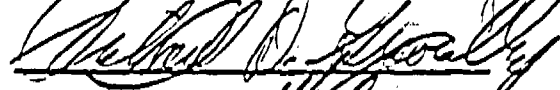
IT IS FURTHER ORDERED that rehearing of Decision No. 91732 is denied and that the stay of Decision No. 91732 is hereby discontinued.


The effective date of this order is the date hereof.

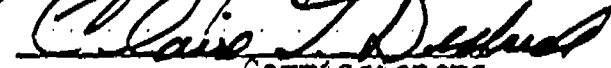
Dated JUL 29 1988 , at San Francisco, California.



President








Commissioners