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RESOLUTION NO. T-11027

EVALUATION AND COMPLIANCE
DIVISION

DATE: April 16, 1986

RESOLUTION

 Director

 Numerical File

 Alphabetical File

 Accounting Officer

SUBJECT: PacTel Mobile Services (U-4023-C). Order authorizing resale of cellular mobile radiotelephone service purchased from the Fresno MSA Limited Partnership. Resolution No. T-11027.

WHEREAS: PACTEL MOBILE SERVICES, by Advice Letter No. 4, filed November 19, 1985, requests authority to resell cellular mobile radiotelephone service, purchased wholesale from the Fresno MSA Limited Partnership (Fresno), pursuant to the terms and conditions of its Certificate of Public Convenience and Necessity (CPCN) granted by Decision (D.) 85-04-015; and,

WHEREAS: In D.85-04-015 we stated in Ordering Paragraph 3 that "This authority does not extend to filing such tariffs or providing such service where PacTel Mobile Access, directly or indirectly, provides a competing retail service"; and,

WHEREAS: PacTel Mobile Access is a limited partner in the Fresno MSA Limited Partnership with an interest of 1.10 percent, and that Partnership will initially sell service at retail, with a planned phaseout of such retailing as set forth in D.85-11-055.

Contel Cellular has a partnership interest in Fresno of 50 percent as general partner and 42 percent a limited partner. Our intent in D.85-04-015 in restricting PacTel Mobile Services was addressed primarily to reselling in Los Angeles where PacTel Mobile Access has an 82.3 percent interest, and the Los Angeles partnership also sells service at retail. In the Los Angeles market we perceived the possibility of anticompetitive practices arising from the dual presence of PacTel. In the Fresno partnership, the PacTel presence is minimal both in the wholesale operations and in the retailing activity of the partnership.

We find that with a PacTel Mobile Access partnership interest of 1.1 percent, the potential for anticompetitive activity which might result from resale activity by PacTel Mobile Services in Fresno is insignificant, and that the intent of our restriction as expressed in D.85-04-015 does not extend to this proposed arrangement. Therefore, good cause appearing,

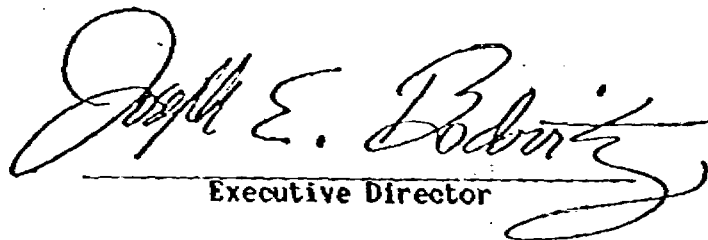
IT IS ORDERED that:

(1) Authority is granted to make the above revisions effective on April 17, 1986.

(2) Schedule Cal. P.U.C. No. 2-T, Original Sheet 10-A, Original Sheet 10-B, 1st Revised Sheet 11, and 1st Revised Sheet 12, shall be marked to show that such sheets were authorized by Resolution of the Public Utilities Commission of the State of California No. T-11027.

The effective date of this Resolution is today.

I hereby certify that the foregoing Resolution was duly introduced, passed and adopted at a regular meeting of the Public Utilities Commission of the State of California, held on April 16, 1966, the following Commissioners voting favorably thereon:


Executive Director

DONALD VIAL
President
VICTOR CALVO
PRISCILLA C GREW
FREDERICK R DUDA
Commissioners