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RESOLUTION NO. T-11040

EVALUATION AND COMPLIANCE
DIVISION

DATE: May 7, 1986

RESOLUTION

____ Director
 ____ Numerical File
 ____ Alphabetical File
 ____ Accounting Officer

SUBJECT: GTE Mobilnet of California, Inc. (U-402E-C). Order authorizing resale of cellular mobile radiotelephone service purchased from Fresno MSA Limited Partnership. Resolution No. T-11040.

WHEREAS: GTE MOBILNET OF CALIFORNIA, INC. (Mobilnet), by Advice Letter No. 8 filed, April 17, 1986, 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.) 85-04-008; and,

WHEREAS: In D.85-04-008 we stated the following:

"It should be well noted that this application requests for (sic) reseller authority throughout California and not just for the San Francisco-Oakland and San Jose cellular geographic service area (CGSA). We have to date issued resellers statewide certificates, with the exception that we have not permitted a reseller which is an affiliate of a carrier to resell in the same CGSA when that carrier has its own retail department,"

and,

WHEREAS: Mobilnet is an affiliate of GTE Mobilnet Incorporated, which is a limited partner in Fresno with an interest of five percent; and,

WHEREAS: Fresno sells service both at wholesale and at retail.

Contel Cellular has a partnership interest in Fresno of 50 percent as general partner and 42 percent as a limited partner. Our intent in D.85-04-008 was addressed primarily to the San Francisco - San Jose market where GTE Mobilnet, Inc., was denied retail rates because of problems discussed in D.84-11-029. GTE Mobilnet, Inc., has 97 percent interest in San Francisco - San Jose; Contel Cellular has purchased the three percent limited partnership interest of PacTel. In the Fresno partnership, the presence of Mobilnet is minimal both on the wholesale operations and in the retailing activity of the partnership.

We find that with a Mobilnet partnership interest in Fresno of five percent, the potential for anticompetitive activity which might result from resale activity by Mobilnet in Fresno is insignificant and the intent of the restriction expressed in D.85-04-008 does not extend to this proposed arrangement.

Notice has been given to all utilities concerned, including resellers, no protests have been received.

This matter did not appear on the public agenda as required by the Government Code; however, since Fresno states that service to the public began on May 1, 1986, thereby placing Mobilnet at a serious disadvantage should this not be granted until May 28, a sufficient emergency exists to justify our action today under PU Code Sec. 306(b).

Therefore, good cause appearing,

IT IS ORDERED that:

(1) Authority is granted to make the above revisions effective on May 8, 1986, which is later than the 15 day notice otherwise available to Mobilnet.

(2) Schedule Cal. P.U.C. No. 1-T, Original Sheet 4B and 2nd Revised Sheet 5, and Schedule Cal. P.U.C. No. 6-T, Original Sheets 4, 5, 6 and 7 shall be marked to show that such sheets were authorized by Resolution of the Public Utilities Commission of the State of California No. T-11040.

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 May 7, 1986, the following Commissioners voting favorably thereon:

DONALD VIAL
President
VICTOR CALVO
PRISCILLA C. GREW
FREDERICK R. DUDA
STANLEY W. HULETT
Commissioners

Howard A. Sarant
Acting Executive Director