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RESOLUTION NO. T-11075

EVALUATION AND COMPLIANCE
DIVISION

DATE: October 16, 1986

R E S O L U T I O N

Director

Numerical File

Alphabetical File

Accounting Officer

SUBJECT: Bay Area Cellular Telephone Company (BACTC). Order authorizing a temporary (90 days) waiver of activation charges for certain customers who wish to switch from GTE-Mobilnet's cellular system to BACTC's cellular system, on less than statutory notice. Resolution No. T-11075.

WHEREAS: BAY AREA CELLULAR TELEPHONE COMPANY, by Advice Letter No. 6, filed September 26, 1986, requests authority under Sections 454 and 491 of the Public Utilities Code to make effective on less than statutory notice the following tariff revisions:

To waive, for 90 days, service establishment charges for all cellular subscribers who elect to switch from the cellular system of GTE Mobilnet of San Francisco and San Jose Limited Partnership to the Bay Area Cellular Telephone Company cellular system, provided the subscriber was being served by the GTE Mobilnet system on or before September 26, 1986.

BACTC requests that this 90 day period begin the day following the effective date of the changes to GTE Mobilnet of California, Incorporated's tariff provision on the same subject contained in their Advice Letter No. 9 which became effective on October 3, 1986 or the effective date of this Resolution, whichever occurs later.

BACTC states that they did not receive notice of GTE Mobilnet's tariff change requesting its waiver of activation charges until September 24, 1986, some seven days after the filing. Therefore BACTC requests that to become equally competitive with GTE Mobilnet that they be allowed to offer the same enducement as soon as possible, which requires that this advice letter filing become effective on less than statutory notice, as recited above.

GTE Mobilnet of California protests the proposed authorization of less than statutory notice as being unwarranted, alleging that service was made on BACTC by U.S. mail deposited on September 17, 1986.

We find the request of BACTC to have merit and we shall deny the protest.

The Commission finds that the rates, charges and conditions authorized in this Resolution are just and reasonable and present rates, charges and conditions, as they differ from the rates, charges and conditions authorized in this Resolution are for the future unjust and unreasonable; and good cause appearing,

IT IS ORDERED that:

(1) Authority is granted to make the above revision effective on October 17, 1986, which is less than statutory notice.

(2) Schedule Cal. P.U.C. No. 3-T, 1st Revised Cal. P.U.C. Sheet No. 9 and Schedule Cal.P.U.C. No. 4-T, 3rd Revised Cal.P.U.C. Sheet No. 13 shall be marked to show that such sheets were authorized by Resolution of the Public Utilities Commission of the State of California No. T-11075.

(3) The protest of GTE Mobilnet of California is denied.

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 October 16, 1986, the following Commissioners voting favorable thereon:



Executive Director

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