

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION RESOLUTION T-13078  
Telecommunications Branch Date July 6, 1989

R E S O L U T I O N

RESOLUTION T-13078. MOBILECOMM CELLULAR SERVICES GROUP, INC. (U-4016-C). ORDER AUTHORIZING THE WITHDRAWAL OF FILED TARIFFS AND REVOKING ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

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SUMMARY

This resolution authorizes the withdrawal of the tariffs and revokes the certificate of public convenience and necessity of Mobilecomm Cellular Services Group, Inc. (Mobilecomm) (U-4016-C).

BACKGROUND

Mobilecomm is currently a California corporation certificated by this Commission to resell cellular service throughout the state. Mobilecomm is a wholly owned subsidiary of Mobile Communications Corporation of America (MCCA), a Delaware corporation.

In a letter, dated May 18, 1989, a representative of MCCA has indicated that Mobilecomm has been merged with Mobilecomm of California, Inc., and that Mobilecomm has never conducted any business in California. Mobilecomm of California, Inc. (U-2032-C), also a wholly owned subsidiary of MCCA, is a California corporation certificated to provide radiotelephone service in the state.

DISCUSSION

Neither Mobilecomm nor Mobilecomm of California, Inc. has sought authority from the Commission for the merger indicated in the letter from MCCA, dated May 18, 1989. A representative of MCCA contends that Mobilecomm was inadvertently left out of a 1987 merger application in which seven MCCA radiotelephone utilities were merged into Mobilecomm of California, Inc. Nevertheless, the Commission Advisory and Compliance Division (CACD) staff has verified that while Mobilecomm has current tariffs on file with CACD, they have never resold cellular service in California, and thus have never had customers. Further, MCCA has indicated that they have no future plans to operate as a cellular reseller in

California. The utility, accordingly, seeks our authorization to withdraw its filed tariffs and to surrender its certificate of public convenience and necessity.

FINDINGS

The Commission finds that Mobilecomm Cellular Services Group, Inc. has not engaged in the performance of the duties of a public utility and does not intend to do so, and concludes that the request of Mobilecomm Cellular Services Group, Inc. should be granted.

THEREFORE, IT IS ORDERED that:

1. The certificate of public convenience and necessity granted to Mobilecom Celular Services Group, Inc. by Decision No. 84-09-024 is hereby revoked and filed tariffs are cancelled effective today.
2. Mobilecomm Cellular Services Group, Inc. is no longer subject to the user fee as a percentage of gross intrastate revenue, pursuant to Public Utilities Code Sections 431-435.
3. The certificate identification number of Mobilecomm Cellular Services Group, Inc., U-4016-C, is cancelled and will not be reissued.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on July 6, 1989. The following Commissioners approved it:

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. OHANIAN  
PATRICIA M. ECKERT  
Commissioners

  
Executive Director