

1973

David R. Williams Dba Industrial Communications v. Public Service Commission of Utah, Hal S. Bennett Frank Warner And Eugene S. Lambert, Commissioners of the Public Service Commission of Utah : Petition For Rehearing

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In The Supreme Court of the State of Utah

DAVID R. WILLIAMS DBA
INDUSTRIAL COMMUNICATIONS,
Plaintiff,

vs.

PUBLIC SERVICE COMMISSION
OF UTAH, HAL S. BENNETT,
FRANK WARNER and EUGENE S.
LAMBERT, COMMISSIONERS OF
THE PUBLIC SERVICE COMMISSION
OF UTAH,

Defendants.

MOBILE RADIO TELEPHONE
SERVICE, INC.,

Plaintiff.

PETITION FOR REHEARING
OF DEFENDANTS AND FROM
Mobile Radio Telephone Service, Inc.

APPEAL FROM REPORT AND ORDER
APPLICATION FOR CERTIFICATE OF
CONVENIENCE AND NECESSITY

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FILED

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Clerk, Supreme Court, Utah

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DAVID R. WILLIAMS DBA
INDUSTRIAL COMMUNICATIONS,
Plaintiff,

vs.

PUBLIC SERVICE COMMISSION
OF UTAH, HAL S. BENNETT,
FRANK WARNER and EUGENE S.
LAMBERT, COMMISSIONERS OF
THE PUBLIC SERVICE COMMISSION
OF UTAH,

Defendants,

Case No.
12871

MOBILE RADIO TELEPHONE
SERVICE, INC.,

Protestant.

PETITION FOR REHEARING

TO THE HONORABLE THE CHIEF JUSTICE AND THE
ASSOCIATE JUSTICES OF THE SUPREME COURT
OF THE STATE OF UTAH:

The Defendants and the Protestant, Mobile Radio Telephone Service, Inc., present this petition for a rehearing of the above-entitled matter and, in support thereof, respectfully show:

1. The decision of this court in the above matter

was filed on December 7, 1972. An order extending the time for filing the petition for rehearing and its accompanying brief was granted until January 13, 1973.

2. The Defendants and Protestant, Mobile Radio Telephone Service, Inc., seek a rehearing as to the court's decision in reversing the Commission's order denying Plaintiff's application for a certificate of convenience and necessity to operate a public mobile two-way radio-telephone communications system in the populous central area of Utah, known as the Wasatch Front, upon the following grounds:

A. The court erred in finding the decision of the Public Service Commission arbitrary and capricious and in not finding any reasonable basis in the evidence to support the decision of the Public Service Commission.

B. The court erred in finding that the duplication of expensive facilities was not an important factor in this case, and that competition would tend to further the objective to be desired of assuring the public the best possible service in the most economical and efficient manner, thereby ignoring the doctrine of regulated monopoly.

For the foregoing reasons, it is prayed that this petition be granted.

Respectfully submitted,
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