

**BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D. C.**

In the Matter of Increased rates of ILLINOIS BELL TELEPHONE Co. and AMERICAN TELEPHONE & TELEGRAPH Co. for radiotelephone service through station WAY.	}	DOCKET No. 6295
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Decided April 21, 1943

Kenneth F. Burgess on behalf of Illinois Bell Telephone Co., *John T. Quisenberry* on behalf of American Telephone & Telegraph Co.; *Daryal A. Myse* and *Arthur A. Gladstone* on behalf of the Commission.

REPORT OF THE COMMISSION

This proceeding was instituted by an order, adopted by the Commission, on its own motion, on March 24, 1942, suspending, until July 2, 1942, the operation of certain provisions of and supplements to Illinois Bell Telephone Co.¹ Tariff F. C. C. No. 3; Thorne Donnelley, d/b as Donnelley Radio Telephone Co.² Tariff F. C. C. No. 2; and American Telephone & Telegraph Co.³ Tariff F. C. C. No. 132; relating to radiotelephone service to and from vessels on the Great Lakes and the Mississippi River through coastal harbor station WAY, located at Lake Bluff, Ill. The order also instituted an investigation into the lawfulness of the radiotelephone rates, charges, regulations, classifications, practices and services for or in connection with radiotelephone service through Station WAY. A hearing on the matter was held on May 13, 1942, before a duly authorized officer of the Commission. Illinois and A. T. & T. participated in the hearing and filed proposed findings of fact and conclusions and a supporting brief. On June 23, 1942, the Commission ordered Illinois and all participating carriers to keep account of all amounts received by reason of the

¹ Hereinafter referred to as "Illinois."

² Hereinafter referred to as "Donnelley."

³ Hereinafter referred to as "A. T. & T."

increased rates, pending final determination of this matter by the Commission. A Proposed Report dated February 19, 1943, was issued February 23, 1943. No exception or request for oral argument has been filed.

In February 1942, radiotelephone station WAY and the license therefor were transferred from Donnelley to Illinois, with the approval of the Commission. Upon such transfer Illinois adopted, ratified, and made its own in every respect Donnelley Tariff F. C. C. No. 2,⁴ which tariff stated the charges, regulations, classifications and practices applicable to radiotelephone service through station WAY. The radio link rates are stated in such tariff as follows:

	Station-to-station	Person-to-person
First 3 minutes or fraction thereof.....	\$1.00	\$1.25
Each additional minute or fraction thereof.....	.30	.40
Report charge.....	.35	.35

Lake Forest, Ill., was stated in the tariff as the radio link rate center. The above radio link rates are applicable between such rate center as may be established and the vessel, and include the connection and coordination with land line facilities, or between two vessels.

On February 28, 1942, Illinois filed its Supplement No. 1 to its Adoption Notice F. C. C. No. 16, Supplement No. 3 to Donnelley Tariff F. C. C. No. 2, and numerous revised and original pages to its Tariffs Nos. 3, 4, and 5, to be effective April 2, 1942. These supplements and tariff pages canceled the application of Donnelley Tariff F. C. C. No. 2 to radiotelephone service through Station WAY, established new charges, regulations, classifications and practices for radio telephone service through such station, and effected numerous minor increases and decreases in land line charges in the Chicago metropolitan area for use in connection with telephone service through that station. The major effects of such tariff changes are to (1) change the radio link rate center from Lake Forest to Chicago, Ill., with the elimination of land line charges to and from stations in exchange areas in and between Lake Forest and Chicago, (2) eliminate the application of the station-to-station classification to the radio link and land line service for calls through station WAY, (3) establish a dispatching service through the station, and (4) restate the radio link rates for general radiotelephone service through such station varying with the location of the vessel, as follows:

⁴ See secs. 61.171 to 61.173, inclusive, of the Commission's rules and regulations.

	Within area 1	Within area 2	Within area 3
First 3 minutes or fraction thereof.....	\$1.50	\$3.00	\$4.50
Each additional minute or fraction thereof.....	.50	1.00	1.50
Report charge.....	.25	.40	.50

One-third of the above charges are to be paid to or retained by the vessel or vessels participating in each call. The radio link rate areas are described in the tariff as follows:

Area 1 includes Lake Michigan and the Mississippi River with its tributaries as far north as and including Winona, Minn., and as far south as and including St. Louis, Mo., but excluding the Missouri River and the Des Moines River above Des Moines, Iowa.

Area 2 includes the balance of the Great Lakes and the Mississippi River and tributaries not included in Area 1 as far south as and including the Arkansas River, but excluding the Missouri River above Sioux City, Iowa, and the Arkansas River above Fort Smith, Ark.

Area 3 includes that portion of the Mississippi River and its tributaries not included in areas 1 and 2.

The tariff further provides as follows:

The radio link rates applicable between the radio link rate center and the vessel including the connection and coordination with land line facilities, are as shown below, except that while the United States is engaged in the present war (pursuant to a request of the United States Maritime Commission that there be no announcement of the position of vessels), it will be assumed that vessels are within area 1.

The Commission's order of March 24, 1942, suspended only (1) the provisions of Illinois Tariff F. C. C. No. 3 stating the above-noted radio link rates applicable to general service between vessels and telephone stations on land, (2) the provisions of such tariff insofar as they restrict radiotelephone service through Station WAY to person-to-person calls, (3) the supplements canceling the application of the radio link rates and the station-to-station classification stated in Donnelley Tariff F. C. C. No. 2 and canceling the adoption of such provisions by Illinois, and (4) the provisions of A. T. & T. Tariff F. C. C. No. 132 insofar as they have the same effect as the suspended Illinois tariff provisions and supplements. The Commission did not suspend the numerous changes in land line rates applicable for service through station WAY, the changes in the radio link rate center from Lake Forest to Chicago, Ill., the charges for the newly inaugurated dispatching service, or any of the provisions of Illinois Tariff F. C. C. No. 3 other than those outlined above. However, the order of investigation raised an issue with respect to the lawfulness of all provisions

relating to radio link service, whether or not suspended. This report deals only with general service and dispatching service.

The radio link rates for general service provided by the tariff schedules suspended in this proceeding state charges for all areas which are in excess of the radio link rates in effect prior to their filing and during their suspension. The issue with respect to the radio link rates, therefore, is whether or not respondents have shown such increased charges to be just and reasonable.⁵ Evidence to justify such increased charges must be affirmative, concrete, and persuasive in order to discharge the statutory burden of proof resting upon Illinois. *Re Postal Telegraph-Cable Co. (New York)*, 9 F. C. C. 75 (1942). Respondents point out that because of the change in the radio link rate center from Lake Forest to Chicago, Ill., with the elimination of land line charges for radiotelephone messages from and to stations in and between the Lake Forest and Chicago telephone exchange service areas, there is a net reduction in over-all charges for radiotelephone service through Station WAY as applied to vessels within area 1. Relying upon the tariff provisions stating that for the duration of the war all vessels will be assumed to be in area 1, respondents contend that the net effect of the tariff revisions is a decrease in charges and not an increase. But the tariff changes result in increased charges as well as decreased charges as applied to vessels within or assumed to be within area 1. The rates for areas 2 and 3 represent substantial increases and the lawfulness of the resulting increased charges are at issue even though their effectiveness has been indefinitely postponed. In any event, the issues raised in the proceeding did not embrace a consideration of the lawfulness of either the changes made by Illinois in its land line charges or of the net over-all effect of all of the contemporaneous tariff changes, and, therefore, respondents cannot justify the charges in issue here by evidence with respect to the land line charges or such net over-all effect.

Respondents contend that the provision of the suspended tariffs providing for payment of one-third of the radio link charges to the vessels involved, either as a division or an allowance, justifies, in part at least, the increased charges. As we have heretofore indicated, it is incumbent on respondents to show that the increased charges are just and reasonable and justification of only a part of such an increased charge is not sufficient. But no ships requested respondents to file or make any radio link charges for them, nor have respondents received any authority, written or oral, to publish such rates for ship stations. No other coastal harbor stations in the Great Lakes and Mississippi

⁵ The same issue exists with respect to the increased charges brought about by the suspended regulations, classifications and practices which eliminate station-to-station calls and charges on both radio link general service and the land line service in connection therewith.

River areas have filed tariffs containing provisions for payments to the vessels involved. All ship station licenses are granted subject to the Commission's rules and regulations. Section 8.35 of the rules requires each ship station to transmit and receive all messages for all persons on board, under certain proscribed conditions.⁶ Subsection (d) of that section provides that "No charge shall be made for ship service except by ship stations having tariffs duly filed with the Commission setting forth the charges for such service." Respondents refer, however, to section 61.138 of the Commission's rules and regulations which provides that, for tariff purposes, the licensee of a ship station "operating as a common carrier for hire," which has not filed a written concurrence or has not filed its own tariff, "shall be deemed, to all intents and purposes, to have assented to, adopted and concurred in" the applicable tariffs which have been filed by other carriers. But none of the Commission's rules and regulations require a ship station to be operated as a common carrier for hire. Consequently, respondents may be in the position of collecting charges including a division of one-third to be paid to a vessel which division may never be paid because the ship station may refuse to assume the status and obligations of a common carrier for hire by participating in such charges. In the absence, therefore, of evidence that licensees of ship stations are willing to receive portions of the radio link charges for public service, the tariff provisions for such payments cannot be used to justify increases in rates and the provisions are unjust and unreasonable and should be eliminated. Even if such payments are considered as divisions, or as allowances as suggested by respondents, to cover the costs of vessel participation in radiotelephone link service, there is no evidence of record to show what those costs are and how they are properly allocable to such service if at all.

There is no evidence of record which would justify either the increases in the level of the radio link rates or the rate structure differentials resulting in increases in charges applicable to vessels in areas 2 and 3. Although such evidence would be peculiarly within the knowledge of Illinois, the record is barren of reliable evidence as to current and future traffic data from which a determination can be made of present and future revenues and return under either the existing or the suspended rates. Although data on direct operating expenses were presented by respondents, the evidence of record tending to show the annual depreciation requirements is fragmentary and the data upon which an estimate was based are speculative. No evidence was adduced showing or tending to show the amount of other

⁶ Subsection (f) of sec. 8.35 makes the ship station "responsible for the payment of all charges accruing to any other stations or facilities for the handling or forwarding of messages or communications transmitted by the ship station concerned."

operating expenses such as taxes and supervision and administrative expenses, and no evidence of accrued depreciation in the property or the related depreciation reserve was shown. Nor is there evidence of record showing or tending to show what a fair return for radiotelephone service through station WAY should be. In the absence of such evidence the showing of improvement in quality and reliability of service, operations, and equipment, relied upon by respondents is insufficient to show that the increased charges are just and reasonable. There being no evidence of record upon which the relation of revenues to costs can be found, it is necessary to test the lawfulness of the radio link rate levels by other appropriate evidence. The basic 3-minute radio link rate for general service was established by Illinois at \$1.50 of which only \$1 is received or retained by respondents. Illinois has recognized, therefore, that a radio link rate producing revenue of \$1 for the basic 3-minute period of service is sufficient. We have found that the tariff provisions for payments to or retention by licensees of ship stations of a portion of the published charges should be eliminated. If the published charges are not adjusted to account for the elimination of such payments or credits, Illinois will be collecting charges producing revenues 50 percent greater than those deemed sufficient by it. The basic 3-minute radio link rates for similar service of other radiotelephone carriers operating coastal harbor stations in the Great Lakes and Mississippi River areas are as follows:

	Call letters	Location	Basic radio link rates	
			Station-to-station	Person-to-person
Central Radio Telegraph Co.....	WHC	Rogers City, Mich.....	\$0.75	\$0.90
Eddie Erlbacher.....	KMP	Cape Girardeau, Mo.....		.75
The Lorain County Radio Corp.....	WMI	Port Washington, Wis.....	.75	.90
Do.....	WAD	Duluth, Minn.....	.75	.90
Do.....	WAS	Lorain, Ohio.....	.75	.90
Radiomarine Corp. of America.....	WBL	Martinsville, N. Y.....		1.25
Do.....	WBK	St. Louis, Mo.....		1.15
Warner Tumble Radio Service.....	WJG	Memphis, Tenn.....		1.90

¹ When the vessel is within Memphis harbor the basic 3-minute rate is \$0.60.

We are unable to find that Illinois' proposed radio link rates for general service have been justified or are just and reasonable. We are of the opinion and we find that Illinois' existing radio link rates are unjustly and unreasonably excessive and should be reduced to a basic maximum rate of \$1.

In explanation of its rate differentials for different areas of vessel location, with charges increasing materially in relation to the distance from the radio link rate center, respondents contend that such a rate structure is justified because more expensive equipment is re-

quired by vessels carrying on the longer distance communications; by the similarity of this structure to the general rate structure treatment accorded land line toll rates, and the rate structure for service through other radiotelephone stations operated by other Bell System associated companies on the Atlantic, Pacific, and Gulf coasts; and the general tendency of such a rate structure to encourage the flow of traffic to the nearest radiotelephone station. But there is no difference in the company's operating procedure, facilities, power used, and operating personnel required, as between communications with vessels, in the different areas. The slightly greater difficulties which may be encountered in contacting and maintaining radiotelephone communications with vessels at greater distances do not materially affect the relative cost of such communications. Under these circumstances and conditions, any difference in cost of equipment required by ship stations for longer distance communications does not justify the higher charges for service by Illinois through its Station WAY. The land line toll rate structure providing for increased charges in relation to distance, which may have a justification in such factors as costs and value of service increasing with distance, is not a justification for the proposed radio link rate structure where, as here, no showing has been made as to the relationship of such factors to distance. Likewise, the similarity of this rate structure to those for service through other radiotelephone stations operated by other Bell System companies on the Atlantic, Pacific and Gulf coasts has little weight as a justification for the proposed rate structure for a station in the Great Lakes and Mississippi River areas. This is especially true because the Commission has never determined the lawfulness of the particular kind of rate structure involved,⁷ and because it appears that the other rate structures sought to be compared are those of affiliated carriers.

In connection with respondents' contention that the proposed rate structure is justified by its tendency to encourage the flow of traffic to the nearest radiotelephone station, they cite section 8.50 of the Commission's rules and regulations⁸ as indicating a Commission policy supporting the particular rate structure under consideration. Although higher charges for poorer quality of service over longer radio link distances may discourage such long distance communication and encourage communication with the nearest coastal harbor station, such

⁷ See for example *Re Michigan Bell Telephone Co.*, 8 F. C. C. 536 (1941), and compare with *Re Lorain County Radio Corp. et al.*, 8 F. C. C. 292 (1940).

⁸ "SECTION 8.50. *Communication with coastal-harbor stations.*—All ship telephone stations, when operating on a frequency below 3,500 kilocycles or above 30,000 kilocycles for communication with a coastal-harbor station in the United States which is open to public correspondence, shall communicate with the nearest station of this class whenever practicable under the prevailing conditions of transmission and reception."

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a radio link rate structure is not justified by that circumstance alone. For the frequencies covered by section 8.50, which are those more suitable for use over shorter distances, the rule itself is sufficient to insure the carrying out of the Commission's policy in this respect. However, Illinois is also licensed to operate Station WAY on certain frequencies between 3,500 and 30,000 kilocycles. These frequencies are more suitable for use over the longer distances and are not as suitable for use over the shorter distances. The asserted justification for the proposed rate structure is inconsistent with the use of such frequencies.⁹

The provisions of Illinois' tariff stating that all vessels will be assumed, for the duration of the war, to be in area 1 was inserted pursuant to a request by the United States Maritime Commission for cooperation in refraining from announcing information concerning the position of merchant vessels in any waters. The provisions in question have the effect of suspending indefinitely the operation of the charges applicable to ships in areas 2 and 3, and accomplish wartime objectives of the Maritime Commission by making it unnecessary to communicate with the ship for the purpose of ascertaining its location. But the objectives of the Maritime Commission would also be served by the establishment of a uniform charge for ships in any location. Under section 203 of the Communications Act of 1934 all schedules of charges filed with this Commission must show the effective date of the charges contained therein. The effective date of the charges shown for areas 2 and 3 is impossible of ascertainment. We find that the provisions for indefinite suspension of area 2 and 3 charges are inconsistent with the requirements of section 203 of the Communications Act of 1934.

We find that the radio link charges for radiotelephone general service have not been justified and that different charges for such service in different areas have not been justified and are unjust and unreasonable. The lack of justification for the differentials in charges for general service applicable to the different radio link rate areas also applies to the similar rate structure for Dispatching Service. We are of the opinion and we further find that such a rate structure for dispatching service is unjust and unreasonable, where, as here, operating conditions and costs are substantially equal for each area regardless of distance and where the quality of services is poorer for

⁹ The lower area 1 radio-link rate applies in certain areas as far south as St. Louis, Mo., on the Mississippi River, and as far north as the northern end of Lake Michigan. Area 1 thus extends to regions which are closer to independent coastal harbor stations at St. Louis and Cape Girardeau, Mo., and at Rogers City, Mich. On the other hand, area 1 does not extend to other regions including Lakes Huron and Lake Erie which are substantially the same distance from the radio link rate center at Chicago, Ill., but which are closer to the coastal harbor stations of the Michigan Bell Telephone Co., an affiliated associated Bell System company, located near Detroit, Mich.

the greater distance. We conclude, therefore, that the higher charges for dispatching service applicable to vessels in areas 2 and 3 are unjust and unreasonable and should be canceled.

Dispatching service, as defined in the tariff, is essentially the same service as general service except that the former service is restricted to dispatching calls between designated vessels owned or operated by the subscriber and designated points within named exchange areas in and north of Chicago whereas general service is not so restricted. Dispatching service is designed for the use of ship-owners or operators having a large volume of dispatching traffic to and from their designated vessels. The rate level for dispatching service is on a minute basis equivalent to one-third of the 3-minute rate for general service. Timing of the messages is on the station-to-station basis. In addition, the service is furnished subject to a guarantee of revenue from the radio link rates for such service as follows:

- | | |
|---|---------|
| (1) For the first vessel designated for service by the subscriber and including one dispatching terminal per month..... | \$10.00 |
| (2) For each additional vessel designated for service by the subscriber (but not including dispatching terminal) per month..... | 5.00 |
| (3) For each additional designated dispatching office including a dispatching terminal per month..... | 5.00 |

A minimum service period of 1 month is prescribed and the total radio link revenues from messages to and from all vessels and dispatching offices, or designated alternate land telephone stations, is applied toward the total guarantee. No part of the charge is paid to the vessels involved. We are unable to determine from the record whether the distinctive features of dispatching service are of sufficient moment to justify the differences in charges and rate structure between the general and dispatching services. We cannot, therefore, now decide whether or not dispatching service as a classification of communications is just and reasonable within the meaning of section 201 (b) of the Communications Act of 1934. (See *R. C. A. Co., Inc. v. United States and Federal Communications Commission*, 43 F. Supp. 851, 855-6 (1942)). However, we shall not order respondents to cancel the dispatching service at this time because we are persuaded that this new service should be given an appropriate trial in order to determine whether or not unjust or unreasonable discrimination results from the application of the charges permitted herein.

Respondents justify the elimination of the station-to-station classification for communications through Station WAY on the ground that the uncertain and sometimes difficult operating conditions encountered in rendering such service eliminates the basis for differentiating between station-to-station and person-to-person calls.

On station-to-station calls, conversation for which a charge is made is considered as starting at the time communication is established between the called and calling stations. On person-to-person calls, the conversation is not timed until communication is established between the calling person and the acceptable party. Normally station-to-station and person-to-person services affect costs differently, and to this extent constitute different types and quantities of service. They are classified and subjected to differing rates which are at least partly related to costs, in order to control the development of the more costly person-to-person service, and to prevent restriction of the less expensive station-to-station service. However, these considerations do not apply on calls between land stations and ship stations because the operating conditions on such calls more closely approximate the conditions of person-to-person service in respect to time consumed and the essential nature of the service. We find, therefore, that the elimination of the station-to-station classification for radiotelephone service through Station WAY has been justified.

Over objections of counsel for respondents the tariffs on file with this Commission which are applicable to radiotelephone service for all other coastal harbor stations in the Great Lakes and Mississippi River areas were introduced into the record by reference. Respondents argue the matter in their brief, filed with their proposed findings of fact and conclusions. The bases of their objection are stated to be (1) that there is no specific evidence showing a "complete" similarity of circumstances and conditions, and (2) that radiotelephone service is too much in an experimental stage to give any "sanctity" to rate levels or rate structures presently existing at other coastal harbor stations. With respect to the first basis of objection, it is apparent on the face of the tariffs and the testimony of record that the charges and regulations contained in such tariffs are for a similar radiotelephone service through coastal harbor stations and that such stations furnish competing service in the same areas as Station WAY. In order to make such tariffs properly admissible in evidence it is unnecessary that "complete" similarity of circumstances and conditions be shown. However, the tariffs do show the conditions and the scope of the service rendered thereunder. Thus the tariff rules and regulations as well as the charges contained therein form a basis for making comparisons of the rate levels and rate structures with those at issue here. The second basis of objection is a matter which we consider as affecting only the relative weight of the tariff charges and regulations as evidence in determining the lawfulness of respondents' tariff charges and regulations. We conclude that the tariffs applicable to service through such competing stations in the Great Lakes and Mississippi

River areas were properly admissible as evidence to be considered in determining the lawfulness of the rate level and rate structure for Station WAY.

CONCLUSIONS

We are of the opinion and we find and conclude:

1. That respondent Illinois Bell Telephone Co.'s radio link charges for radiotelephone services through its coastal harbor station WAY to and from vessels in areas 2 and 3, insofar as such charges are higher than those for area 1, as such areas are defined in its Tariff F. C. C. No. 3, have not been justified, are unjust and unreasonable, are unjustly and unreasonably discriminatory; and that such charges should be rescinded and canceled and respondents should cease and desist from demanding or collecting charges for such services to and from vessels in areas 2 and 3 in excess of the charges for area 1;

2. That respondent Illinois Bell Telephone Co.'s radio link charges for radiotelephone general service through such station are and will be unjustly and unreasonably excessive and that respondents should cease and desist from demanding or collecting such charges;

3. That the provisions of Illinois Bell Telephone Co.'s Tariff F. C. C. No. 3, that one-third of the radio link charges stated by such tariff are to be paid to or retained by the vessel or vessels involved, and the practice thereunder of making such payments or allowing such retention by credit or otherwise are unjust and unreasonable, are unjustly and unreasonably discriminatory, make and give undue and unreasonable preference and advantage to particular persons and classes of persons, subject particular persons and classes of person to undue and unreasonable prejudice and disadvantage, and constitute an unlawful allowance, or an unlawful refund, or remittance of a portion of the regular radio link charges as specified in such tariff (the ship station licensees not operating as common carriers for hire); and that such tariff provisions should be rescinded and canceled and respondent should cease and desist from such practice;

4. That the elimination of the station-to-station classification for radiotelephone services through such station has been justified as a just and reasonable regulation and practice.

5. That the maximum radio link charges for radiotelephone general service through such station which should be hereafter observed are as follows:

First 3 minutes or fraction thereof.....	\$1. 00
Each additional minute or fraction thereof.....	. 30
Report charge.....	. 25

and that respondent Illinois Bell Telephone Co. should not publish, demand, or collect any charge in excess of such maximum.

6. That all amounts received by respondents by reason of the increased charges suspended by the Commission's order of March 24, 1942, in excess of the maximum charges herein prescribed should be refunded, with interest at 5 percent per annum, to the persons in whose behalf such amounts were paid to respondents.

AN appropriate order will issue.

ORDER

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 21st day of April 1943;

The Commission, having under consideration the record herein, including its proposed report (P-24) dated February 19, 1943; and released February 23, 1943; and having also under consideration a statement of March 12, 1943, from respondent Illinois Bell Telephone Co. with respect to said proposed report; and

It appearing, that the time provided by the Commission's rules and regulations for the filing of exceptions to said proposed report, and for the requesting of oral argument, has elapsed, and no party to the proceeding herein has filed exceptions, or requested oral argument;

It further appearing, that the Commission has this day made and filed its report herein on the basis of said proposed report as revised in certain particulars deemed appropriate;

It is ordered, that the report so made and filed be, and it is hereby, made a part hereof by reference and adopted as the report of the Commission;

It is further ordered,

1. That respondent Illinois Bell Telephone Co. shall rescind and cancel the provisions of its Tariff F. C. C. No. 3 which state radio link charges for radiotelephone service through its coastal harbor station WAY to and from vessels in areas 2 and 3, insofar as such charges are higher than those for area 1, as such three areas are defined in said Tariff F. C. C. No. 3; and the respondents herein shall cease and desist from publishing, charging, demanding, collecting, or receiving charges for such service to and from vessels in said areas 2 and 3 in excess of the charges for such service to and from vessels in said area 1;

2. That respondent Illinois Bell Telephone Co. shall rescind and cancel the provisions of its Tariff F. C. C. No. 3 applicable to radiotelephone service through its coastal harbor station WAY, which provide that one-third of the radio link charges stated by such tariff are to be paid to or retained by the vessel or vessels involved in the rendition of such service; and the respondents herein shall cease and desist from the practice of making such payments or allowing such retention thereof by credit or otherwise.

3. That the maximum radio link charges for radiotelephone general service through respondent Illinois Bell Telephone Co.'s coastal harbor station WAY to be hereafter observed by respondents herein shall be the following:

First 3 minutes or fraction thereof.....	\$1. 00
Each additional minute or fraction thereof.....	. 30
Report charge.....	. 25

and the respondents herein shall cease and desist from publishing, charging, demanding, collecting, or receiving any charge in excess of such maximum charges;

4. That the respondents herein shall promptly refund, with interest at 5 percent per annum, to the persons in whose behalf such amounts were paid, all amounts received by said respondents by reason of the increased charges suspended by our order of March 24, 1942, herein, to the extent that such amounts exceed the maximum charges herein prescribed; and on or before the 1st day of June 1943 respondents shall file with the Commission a verified statement certifying to the payment of refunds as ordered herein, and giving the name and address of each person to whom a refund was made and the amount thereof.

5. That the tariff schedules to be filed with this Commission in compliance with this order may become effective upon less than 30 days' notice, but upon not less than 1 day's notice;

6. That this order shall take effect on the 28th day of May 1943.

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