

ORIGINAL

Decision No. 63147

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of William K. Harper,
 doing business as American Mobile
 Radiotelephone Enterprises, (AMORE')
 to operate mobile radiotelephone
 dispatch service between Costa Mesa,
 south to San Clemente, using existing
 tariff on file with the Commission.

Application No. 43704

William K. Harper, for applicant.

William L. Cole, for Orange County Radiotelephone
 Service, Inc., protestant.

George W. Smith, for Radio Page Orange County,
 interested party.

Mary Moran Pajalich, for the Commission staff.

O P I N I O N

Applicant's Request

William K. Harper, doing business as American Mobile Radiotelephone Enterprises (AMORE'), requests that the Commission issue to him a certificate of public convenience and necessity to construct and operate a public utility radiotelephone system of the miscellaneous common carrier class in the Costa Mesa area in Orange County. Public hearing on applicant's request was held before Examiner James F. Haley at Costa Mesa on October 19 and 20, 1961.

Applicant's Present Operations

Applicant's present operations are conducted through a base station located near San Diego. The system was acquired from a predecessor in November 1960. The base station operates with a power input of 120 watts at an elevation of approximately 800 feet

above sea level on Mt. Soledad near La Jolla, north of San Diego. Applicant's station provides a field strength contour of 37 decibels above one microvolt per meter (37 dbu) in the vicinity of Oceanside. This system had 13 to 16 mobile units at the time of purchase by applicant in 1960. Applicant has expanded the system to approximately 40 mobile units at the present time. Applicant's present service area includes communities having in excess of one-half million population.

Applicant's Proposed Operations

Applicant proposes to establish an additional base station at Costa Mesa, considerably to the north of his present station at San Diego. The proposed station would have a rated power output of 60 watts and utilize an antenna of 9 decibels forward gain directed southeasterly from a height of approximately 180 feet above sea level. By means of such a station, applicant expects to extend his area of effective coverage to provide service to mobile units operating along the coastal strip between San Diego and Costa Mesa, as well as to provide local service in and around the Costa Mesa area. The Costa Mesa station would operate on a frequency of 152.12 megacycles, the same frequency as is used by applicant's San Diego station.

Applicant proposes to apply his present filed rates to the extended operation and to modify his tariffs to make the service offerings and conditions applicable to the Costa Mesa area.

Applicant's Position

Applicant represents that many of his existing subscribers to service in the San Diego area require mobile service along the Pacific Coast between Costa Mesa and San Diego; that many of these subscribers travel between those areas daily; that his proposed Costa Mesa station will facilitate the growing public requirement for such

service, and that because of the mountainous character of the terrain along the coast between Costa Mesa and San Diego, such service cannot be reliably provided by any existing base station. Applicant further represents that no utility now provides satisfactory local service in the Costa Mesa area and that such service as does exist requires lengthy and costly wire lines. Applicant alleges that his proposal would fulfill a public need for local service without such wire lines.

Protestant's Operations

Protestant, Orange County Radiotelephone Service, Inc., now serves a large part of Orange County on two channels from base stations located at Panorama Heights east of Santa Ana. In addition, protestant has applied to the Federal Communications Commission for an additional base station to be located in the City of Santa Ana. Besides protestant, four other radiotelephone utilities, three in Los Angeles and one in Long Beach, now effectively cover the major portion of Orange County. Because of intervening terrain features neither protestant, nor any of the four other utilities, provide a usable signal in the immediate vicinity of the coast line in such communities as Laguna Beach. The evidence shows, however, that these existing radiotelephone utilities provide an adequate signal for public utility service in the Costa Mesa area. A witness for protestant testified there is space available on both of protestant's channels for additional customers.

Public Requirements

Four witnesses, produced by applicant, testified as to their requirements for mobile radiotelephone service in the Costa Mesa area, in the coastal communities between Corona Del Mar and San Clemente, and to vehicles in transit along the Pacific Coast

Highway between San Diego and Costa Mesa. The testimony shows that satisfactory service from applicant's San Diego base station is received along the coast as far north as San Clemente and that the San Diego signal is receivable in South Laguna.

The testimony of applicant shows that he is primarily interested in serving customers located in, or traveling through, the Laguna Beach and South Laguna Beach areas. The coastal strip between Corona Del Mar and San Clemente, which includes these areas, is not presently provided with adequate mobile radiotelephone service by any telephone utility. Although one of applicant's witnesses testified as to his mobile communications needs in the Laguna Beach area, the population of this coastal strip is relatively sparse, and applicant made no showing that a sufficient amount of business could be developed there to support a radiotelephone utility. Applicant would, therefore, have to look toward the already adequately served portions of central Orange County for sufficient business to sustain his operations. Applicant, in fact, readily admitted under cross-examination that he would take any subscriber from any area which he could serve under his proposed operation.

Technical Feasibility of Applicant's Proposal

Exhibit 15, introduced by the Commission staff, shows that applicant's proposed base station at Costa Mesa would provide a usable signal throughout a large portion of the populated area of Orange County. Although Laguna Beach is included within applicant's theoretical 37 dbu contour, as shown on Exhibit 15, the staff's Exhibit 16 shows that there are hills between the proposed base station and Laguna Beach with additional hills located to the south in the direction of Dana Point and San Clemente. The record shows

that these intervening hills along the proposed transmission path would serve to reduce the signal strength considerably from that which might be obtained under the theoretical conditions. Applicant's technical witness testified that field strength measurements had been made from a test station located in Costa Mesa and operating in the 150 megacycle band. The results of such tests were not offered for the record; however, the witness testified that in driving along the Pacific Coast Highway, and in and around Laguna Beach, a signal strength was observed at least 90% of the time in excess of one-half microvolt at the receiver input. It should be noted that such signal level is considerably below the signal level contemplated by the 37 dbu contour. The Commission staff witness testified that public interest required a considerably higher degree of reliability for public utility operations than might be acceptable in a private mobile system.

Engineering testimony in this proceeding disclosed that the proposed Costa Mesa facility would be operated on the same frequency as the San Diego facility and that interference between the two stations might be experienced at intermediate points, such as San Clemente. Applicant proposed no common control for the two base stations to eliminate interference.

Findings and Conclusions

An applicant for a certificate, such as is here involved, has the burden of establishing that public convenience and necessity require the proposed service and as incident thereto that the present service is unsatisfactory and that the proposed operation will be technically and economically feasible. The Commission finds that the evidence of record fails to do this, and concludes, therefore, that the application should be denied.

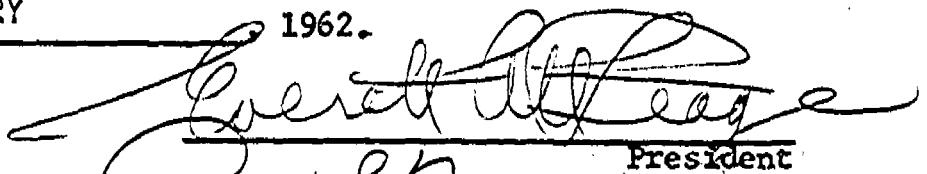
O R D E R

Public hearing having been held in the above matter,
evidence adduced, and the matter being ready for decision,

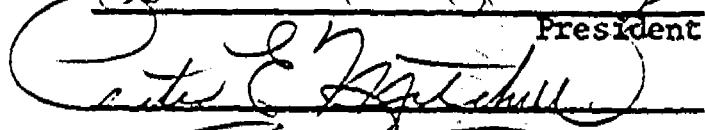
IT IS ORDERED that Application No. 43704 is hereby
denied.

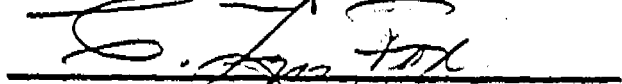
The effective date of this order shall be twenty days
after the date hereof.

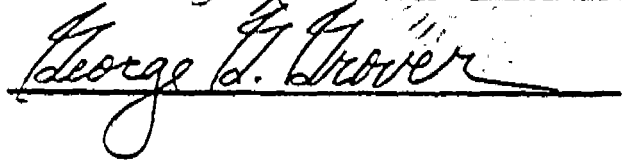
Dated at San Francisco, California, this
23rd day of JANUARY 1962.



President







Commissioners

Frederick B. Holoboff
Commissioner....., being
necessarily absent, did not participate
in the disposition of this proceeding.