

ORIGINALDecision No. 68291

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of)
 JAMES E. WALLEY d/b/a AUTO-PHONE)
 TELEPATCH CO. for a certificate of)
 public convenience and necessity to)
 construct a new radiotelephone)
 utility system.)

Application No. 46863
 (Filed August 3, 1964)

James Edwin Walley, in propria persona.

Lester W. Spillane, for Knox LaRue, dba Tracy
 Mobilphone, Delta Valley Radio Telephone,
 Inc., and Stockton Mobilphone, Inc.,
 interested parties.

George A. Amaroli, for the Commission staff.

O P I N I O N

This application was heard and submitted before Examiner Gillanders at San Francisco on October 8, 1964. There were no protests.

Applicant requests a certificate authorizing construction of a paging transmitter facility in Yuba City and the initiation of paging service to the following towns and cities:

Yuba City, Marysville, Oroville City, Colusa City,
 Grass Valley, Nevada City, Gridley, Live Oak, and
 Wheatland.

Applicant also requests that, upon supplemental application, the Commission issue a certificate to exercise the rights and privileges granted by a construction permit to be issued to him by the Federal Communications Commission.

Applicant alleges no existing carrier is providing one-way paging service within his proposed service area.

Applicant proposes, in Exhibits D and E, attached to the application, the following rates:

SCHEDULE OF CHARGES FOR NON-SELECTIVE ONE-WAY PAGING SERVICE

1. For rental of pocket receiver, normally carried on the person, a basic charge of \$15.00, which includes rental of the unit at \$5.00 per month including batteries and message costs of \$10.00. This entitled the subscriber to 100 messages, additional messages at 15¢ each; and the privilege of renting each additional unit by the same subscriber to receive 100 messages at the rate of \$12.00 per month per unit.
2. For installation of mobile receiver in subscriber's vehicle, if requested of carrier, \$20.00.
3. For service to mobile receiver in subscriber's vehicle, \$10.00 per month per unit for 100 messages, and 15¢ for each additional message.
4. For rental of mobile receiver in subscriber's vehicle, if requested of carrier, \$5.00 per month per unit.
5. There will be no charge for servicing and maintaining the mobile receivers owned by the company. Service to equipment damaged by careless handling or other than normal usage will be paid by subscriber.
6. Subscriber's code number or message will be aired as often as required and repeated but not for a period in excess of two hours from time of inception of request for subscribers renting or owning mobile receivers.
7. A call is defined as a communication or signal put on the air by the land station to be received by a mobile receiver. A call, in addition to the code number, may include a brief message, not exceeding five seconds' duration, except for emergency messages affecting safety of life and property.

SCHEDULE OF CHARGES FOR ONE-WAY TONE PLUS VOICE MESSAGE SELECTIVE PAGING SIGNALING SERVICE.

1. For rental of selective calling pocket receiver, \$25.00 per month for one unit, which includes rental of the unit at \$15.00 per month and message service at \$10.00 per month. This entitles the subscriber to receive 100 messages with additional messages at 15¢ each, and the privilege of renting each additional unit by the same subscriber to receive 100 messages at the rate of \$23.00 per unit.

2. For rental of selective calling car receiver, \$27.50 per month per unit, which includes rental of unit at \$17.50 per month and message service at \$10.00 per month. This entitles the subscriber to receive 100 messages with additional messages at 15¢ each.
3. For installation of selective calling car receiver in subscriber's vehicle, \$20.00.
4. There will be no charge for servicing and maintaining the mobile receivers owned by the company except damaged equipment by careless handling or other than normal usage will be paid by subscriber.
5. Subscriber's assigned tone signal and message will be transmitted whenever a communication is received for that number, and thereafter repeated from two to five times, the exact number of repetitions to depend on the number of transmissions experience shows is needed to insure reception by the subscriber.
6. A call is defined as a communication or signal put on the air by the land station to be received by a mobile receiver and repeated a minimum of from two to five times as necessary to insure reception by the subscriber. A call may consist of a tone signal followed by the subscriber's code number and a brief message not exceeding five seconds' duration, except for emergency messages affecting safety of life and property.

Applicant testified that he had contacted various firms and individuals who expressed a desire and need for paging service.

Applicant testified that almost all of the required equipment was in his possession and that an outlay of \$800 would make the system operational.

Exhibit A attached to the application is a map showing the 43 dbu contour of the proposed station. It shows that, of the requested service area, only Yuba City and Marysville lie within the 43 dbu contour. Applicant presented no technical evidence of his ability to give reliable service beyond the 43 dbu contour. Applicant agreed that he would confine his solicitation of customers to the area within the 43 dbu contour and that a minimum of 10 units would sustain operation of the system.

The Commission finds that:

1. Oroville City, Colusa City, Grass Valley, Nevada City, Gridley, Live Oak, and Wheatland are beyond the area where applicant could give reliable service under this proposal.

2. The public has need for the proposed services which are not presently available, or obtainable by the use of other services in Yuba City and Marysville.

3. Public convenience and necessity require that applicant construct and operate a paging service within the 43 dbu contour shown on Exhibit A attached to the application.

4. The rates proposed by applicant are fair and reasonable for the services to be rendered.

The Commission concludes that:

1. The application should be granted as set forth in the ensuing order.

2. Applicant should file rules, standard forms and other tariff sheets as needed to define the conditions of rendering public utility service.

No further action of this Commission is required to enable applicant to exercise the right and privileges of the necessary construction permit that may be issued applicant by the Federal Communications Commission.

The certificate hereinafter granted shall be subject to the following provision of law:

The Commission shall have no power to authorize the capitalization of this certificate of public convenience and necessity or the right to own, operate, or enjoy such certificate of public convenience and necessity in excess of the amount (exclusive of any tax or annual charge) actually paid to the State as the consideration for the issuance of such certificate of public convenience and necessity or right.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to James E. Walley, doing business as Auto-Phone Telepatch Co., authorizing him to construct and operate a paging service within the 43 dbu contour shown on Exhibit A attached to the application.

2. Applicant is authorized to file, after the effective date of this order, the schedule of rates and charges set forth in Exhibits D and E attached to the application, to be effective on or before the date service is first rendered to the public under the authority herein granted, and rules governing service to subscribers, tariff service area maps and sample copies of printed forms normally used in connection with subscribers' services, in accordance with the requirements of General Order No. 96-A. Such rates, rules, tariff service area maps and forms shall become effective on five days' notice to this Commission and to the public as hereinabove provided.

3. Applicant shall notify this Commission, in writing, of the date service is first rendered to the public under the rates and rules authorized herein, within ten days thereafter.

4. Applicant shall file with this Commission copies of all annual reports made to the Federal Communications Commission.

5. The certificate herein granted and the authority to render service under the rates and rules authorized herein will expire if not exercised within one year after the effective date of this order.

6. Applicant's request for authority to provide one-way paging radio communications service in the towns and cities of Oroville City, Colusa City, Grass Valley, Nevada City, Gridley, Live Oak, and Wheatland is denied.

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

Dated at San Francisco, California, this 30th day of NOVEMBER, 1964.

Fredrick B. Holcomb
President
John E. Nichol
Walter A. Beasly
George E. Grover
Hallamden Bennett
Commissioners