

ORIGINAL

Decision No. 69162

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of Application of
MELVIN L. PUGH, JR., dba UKIAH
ANSWERING SERVICE for certificate
of public convenience and neces-
sity to construct a new radio
telephone utility system.

Application No. 47359
(Filed February 25, 1965;
Amended April 27, 1965)

Lester W. Spillane, for applicant.
John R. Nissen, for Clearlake Radio Telephone;
A. E. Olson, for KMA 252, Eureka System,
Interested parties.
George A. Anaroli, for the Commission staff.

O P I N I O N

This application was heard before Examiner Gillanders at Ukiah on April 13, 1965 and was submitted on receipt of three late-filed exhibits on April 27, 1965.

Copies of the application and notice of hearing were served in accordance with the Commission's procedural rules. There were no protests.

Applicant seeks a certificate authorizing him to perform radiotelephone services in Ukiah and vicinity, and an order granting a certificate to exercise the privileges granted by the Federal Communications Commission under a construction permit and station license.

Applicant proposes to construct and operate a radio station which will provide two-way communications and one-way signalling in the domestic public land mobile radio service and to maintain a message center in Ukiah, California.

Applicant presently is engaged in the furnishing of telephone answering service in the Ukiah area.

Applicant proposes, in Exhibit 7 which amends Exhibit C attached to the application, the following rates for mobile service:

I. Two-Way Mobile Service:

A. Message Service

- (i) Minimum charge (covers 75 calls per month, per mobile unit) \$18.00/mo.
- (ii) For each call over minimum 15 cents/call
- (iii) A call shall be defined as 1 minute or portion thereof of air time, each additional minute or portion thereof shall constitute an additional call.
- (iii) Transient service, each 1 minute call 30 cents

B. Rental of Mobile Equipment

Subscribers shall have the option to acquire and use their own mobile units, or rent them from applicant. If applicant furnishes mobile unit, the rental charge therefor, per month, per unit, including maintenance, will be:

- (i) For single channel equipment \$19.50
- (ii) For two channel equipment 22.50
- For four channel equipment 25.50
- (To be used where subscribers have transient need.)

C. Installation and removal charge, per unit 35.00

D. The charges herein provided relate only to the radio link service. Any additional charges incurred by, or on behalf of the subscriber for wireline service, or otherwise, shall be charged to subscribers.

II. One-Way Signalling: (Selective)

- A. Tone, plus voice - \$15.00 per month (first 100 calls), 10 cents per call thereafter.
- B. Tone only - \$10.00 per month (first 100 calls), 5 cents per call thereafter.
- C. Rental of Equipment, per unit, per month \$8.00

Subscribers shall be responsible for replacing batteries in the units at their own expense.

Applicant presented evidence to show estimated results of operation on a monthly basis on two assumptions of use. Under minimum operation, applicant estimated he would realize net income of \$148.50 and under maximum operation would realize net income of \$408.50 before taxes.

Applicant also presented testimony showing his financial ability to provide the services. In addition, the record shows that he will pay cash for his base station equipment and five pagers, and will rent two-way mobile units as required.

To demonstrate the public requirement for service in the Ukiah area, applicant presented 11 witnesses. Eight of these witnesses testified as to their need and desire for mobile service and three testified as to the need and desire for signalling service.

Applicant alleges no existing carrier is providing service within his proposed 37 dbu service contour.

The Commission finds that:

1. The public has need for the proposed services which are not presently available or obtainable by the use of other services.
2. Public convenience and necessity require that applicant construct and operate the proposed system.
3. The rates set forth in Exhibit 7 are fair and reasonable for the service 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.

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.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Melvin L. Pugh, Jr., doing business as Ukiah Answering Service, authorizing him to construct and operate a mobile communications service in the area of Ukiah, California.
2. Applicant is authorized to file, after the effective date of this order, the schedule of rates and charges set forth in Exhibit 7, 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.

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

Dated at San Francisco, California, this 1st day of JUNE, 1965,

Fredrick B. Holloff
President

Edith E. Smith

George H. Hoover

Augusta

William L. Bennett
Commissioners