

**ORIGINAL**Decision No. 70422

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the 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

SUPPLEMENTAL OPINION

By Decision No. 68291, dated November 30, 1964, in this proceeding, applicant was granted a certificate of public convenience and necessity as a radiotelephone utility authorizing construction and operation of a paging service with transmitter at Yuba City and serving the communities of Yuba City and Marysville. Said certificate and authority to render service were required to be exercised within one year of the date of said decision. The authority expired on December 20, 1965.

By a Petition for Modification, dated January 3, 1966, applicant requests an order extending to June 20, 1967, the time within which he may exercise the right granted by Decision No. 68291.

In support of the request applicant states that, because of protracted family illness and the pressures of other business, he has not been able to file and prosecute before the Federal Communications Commission the necessary application for a construction permit and license. Applicant estimates that he will be able to construct and place in operation the facilities authorized by Decision No. 68291 within a period of 18 months.

It appearing that the certificate authorized by Decision No. 68291 should be reinstated, the Commission finds that public

convenience and necessity require that applicant construct and operate a paging service within the 43 dbu contour shown in Exhibit A attached to the original application herein; that the rates proposed by applicant and authorized by Decision No. 68291 are fair and reasonable; and that the certificate as hereinafter granted should 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.

The Commission concludes that the following order should be issued.

SUPPLEMENTAL 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 eighteen months 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 8<sup>th</sup> day of MARCH, 1966.

Fredrick B. Hallock  
President

John E. ...

George G. Hoover

Margaret

William L. ...  
Commissioners