

Decision 84 04 044 APR 18 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of American Paging, Inc. }
(of California), a California }
corporation, for a certificate of }
public convenience and necessity to }
construct and operate a radio- }
telephone paging system for San Diego }
and environs. }

Application 83-02-32
(Filed February 14, 1983;
amended October 3, 1983)

O P I N I O N

Applicant American Paging, Inc. (of California), a California corporation, requests a certificate of public convenience and necessity to construct and operate facilities for the purpose of rendering a public utility one-way radiotelephone paging system in the San Diego area more particularly described in its application. Copies of the application were served on the several companies offering one-way paging service in the proposed service area as well as on the counties and major cities in the service area. Several protests to the application were filed but were later withdrawn. Applicant possesses the requisite Federal Communications Commission (FCC) construction permit as shown by Exhibit 1 filed March 7, 1984.

Applicant is a wholly owned subsidiary of Telephone and Data Systems (TDS), an Iowa corporation engaged in the business of acquiring and operating telephone and other companies involved primarily in the communications industry, including companies engaged in cable television service and radio paging service in various locations. TDS owns 50 telephone companies located in 20 states. Exhibit E attached to the application is a letter confirming the intent of TDS to make available to applicant such funds as will be necessary for the construction and initial operation of the facilities for which authority to construct is sought in this application.

Applicant proposes to provide one-way paging service using a radio-controlled multiple transmitter system. There will be three base station sites. Transmission will be on frequency 158.10 megahertz (MHz). The service will be offered singly or in combination. For example, service will be offered providing numeric display and tone-and-voice service. In addition, applicant will offer a "roamer" service whereby its customers can receive messages while in other of applicant's service areas in the State or in other areas served by applicant's affiliates which use frequency 158.10 MHz. Applicant's full range of service includes tone-only, numeric display, alphanumeric display, and tone-and-voice paging. Selector level telephone numbers will be used to contact applicant's subscriber's pagers. The proposed system will be fully interconnected with the public landline switched telephone network.

Applicant estimates its initial capital requirements for construction and initial operation will be approximately \$375,000. It expects to achieve its revenue requirements by the end of the second full year of operation. At the end of its fifth full year of operations it expects to be serving approximately 7,900 pagers.

Day-to-day maintenance and repair of the facilities will be performed by a local Motorola-authorized service shop under the supervision of the Technical Manager of all of applicant's affiliate companies. The system will be designed to operate on a completely automatic basis, not requiring operators in attendance. Transmission will be monitored routinely on a 24-hour basis to detect any system malfunction.

Applicant's rates will be \$10 per month for tone-only paging service, \$17 per month for tone-and-voice paging, and \$13 per month for numeric display paging. Applicant states that it will furnish paging receivers to its customers under tariff rates. Since this application was filed paging receivers have been deemed to be

Customer Premises Equipment and cannot be offered by applicant on a tariffed basis. The grant of the certificate herein, then, will not authorize applicant to offer paging receivers on a tariffed basis, and we will deny that portion of the application.

Applicant contends that present and future public convenience and necessity justify and require the service which applicant proposes based upon the extensive investigation made by applicant to determine the public need for its service. The investigation included the making of demographic studies and the reviewing of economic information pertaining to the area it proposes to serve. It has determined that the San Diego area has shown a pattern of substantial and continuing financial and population growth which has created a significant increase in demand for the paging service proposed. In addition, applicant feels it is in a uniquely advantageous position to satisfy public need for paging service because it proposes to transmit on frequency 158.10 MHz, a highly-prized frequency, which allows for greater signalling distance than UHF frequencies, while affording greater signal penetration of buildings and foliage and lower noise than either low-band or UHF frequencies.

Applicant states that the proposed antennas will be located on the roofs of buildings on which substantial radio equipment already has been installed by others.

Findings of Fact

1. Applicant seeks a certificate to construct and operate facilities for rendering one-way public utility radiotelephone service in and around San Diego.
2. Applicant possesses the requisite FCC construction permit.
3. The proposed service will offer tone-only, numeric display, alphanumeric display, and tone-and-voice paging.
4. The initial capital and start-up financial requirements will be approximately \$375,000 and will be furnished by applicant's parent company TDS.

5. Engineering data concerning the proposed system is contained in Exhibit L to the application.

6. As necessary antennas will be located on roofs of buildings on which there is already installed radio equipment, it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

7. Applicant's extensive investigations have resulted in a showing that there is a public need for its proposed service.

8. The proposed system is economically feasible.

9. The proposed system is technically feasible.

10. Applicant has available to it the financial resources to engage in the proposed operations.

11. Applicant has available to it persons who are technically qualified to construct and manage the proposed system.

12. Public convenience and necessity require the issuance of the requested certificate.

13. Paging receivers are Customer Premises Equipment and cannot be offered by applicant on a tariffed basis.

14. A hearing is not necessary. To allow applicant to begin construction promptly this order should be effective today.

Conclusion of Law

The application should be granted to the extent stated herein.

Only the amount paid to the State for operative rights may be used in ratefixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to American Paging, Inc. (of California) (applicant) for the construction and operation of a public utility one-way radiotelephone system with base stations and a service area located as follows:

Base station locations:

- a. 325 Spruce Street, San Diego.
Lat. $32^{\circ} 44' 20''$ N,
Long. $117^{\circ} 09' 33''$ W.
- b. 5.16 miles southwest of Ramona.
Lat. $33^{\circ} 00' 34''$ N,
Long. $116^{\circ} 58' 11''$ W.
- c. 2.2 miles south, southwest of Steele.
Lat. $32^{\circ} 41' 47''$ N,
Long. $116^{\circ} 56' 07''$ W.

Service area: As set out on the composite signal contour map on page 22 of Exhibit L to Application (A.) 83-02-32.

2. Within 30 days after this order is effective, applicant shall file a written acceptance of the certificate granted in this proceeding.

3. Applicant is authorized to file, after the effective date of this order and in compliance with General Order 96-A, tariffs applicable to the service authorized containing rates, rules, and charges applicable to its radiotelephone services. The offerings, rates, and charges shall be as proposed for service in Exhibit F to A.83-02-32. The tariffs shall become effective on not less than 5 days' notice.

4. Applicant shall file, after the effective date of this order and consistent with Ordering Paragraph 3, as part of its individual tariff, an engineered service area map drawn in conformity with the provisions of the Federal Communications Commission (FCC) Rule 22.504, commonly known as the "Carey Report," consistent with the map identified as "composite service area coverage" included within Exhibit L to A.83-02-32.

5. Applicant shall notify this Commission, in writing, of the date service is first rendered to the public under the rates, rules, and charges authorized within five days after service begins.

6. Applicant shall keep its books and records in accordance with the Uniform System of Accounts for Radiotelephone Utilities prescribed by this Commission.

7. Applicant shall file an annual report, in compliance with General Order 104-A, on a calendar-year basis using CPUC Annual Report Form L and prepared in accordance with the instructions included in that form.

8. The certificate granted and the authority to render service under rates, rules, and charges authorized will expire if not exercised within 12 months after the effective date of this order.

9. Insofar as the applicant seeks to offer paging receivers under tariff, the application is denied.

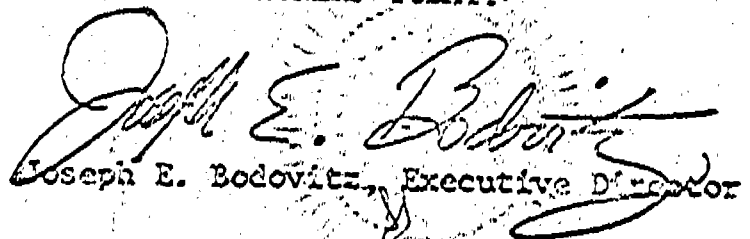
This order is effective today.

Dated April 18, 1984, at San Francisco, California. ✓

LEONARD M. GRIMES, JR.
President

VICTOR CALVO
PRISCILLA C. GREW
DONALD VIAL
WILLIAM T. BAGLEY
Commissioners

I CERTIFY THAT THIS DECISION
WAS APPROVED BY THE ABOVE
COMMISSIONERS TODAY.


Joseph E. Bodovitz, Executive Director

5. Engineering data concerning the proposed system is contained in Exhibit L to the application.

6. As necessary antennas will be located on roofs of buildings on which there is already installed radio equipment, it can be seen with certainty that there is no possibility the activity in question may have a significant effect on the environment.

7. Applicant's extensive investigations have resulted in a showing that there is a public need for its proposed service.

8. The proposed system is economically feasible.

9. The proposed system is technically feasible.

10. Applicant has available to it the financial resources to engage in the proposed operations.

11. Applicant has available to it persons who are technically qualified to construct and manage the proposed system.

12. Public convenience and necessity require the issuance of the requested certificate.

13. Paging receivers are Customer Premises Equipment and cannot be offered by applicant on a tariffed basis.

14. A hearing is not necessary.

Conclusion of Law

The application should be granted to the extent stated herein.

Only the amount paid to the State for operative rights may be used in ratefixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

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1. A certificate of public convenience and necessity is granted to American Paging, Inc. (of California) (applicant) for the construction and operation of a public utility one-way radiotelephone system with base stations and a service area located as follows:

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8. The certificate granted and the authority to render service under rates, rules, and charges authorized will expire if not exercised within 12 months after the effective date of this order.

9. Insofar as the applicant seeks to offer paging receivers under tariff, the application is denied.

This order becomes effective 30 days from today.

Dated APR 18 1984, at San Francisco, California.

LEONARD M. CRIMES, JR.

President

VICTOR CALVO

PRISCILLA C. CREW

DONALD VIAL

WILLIAM T. BAGLEY

Commissioners