

Decision 84 05 016

MAY 2 1984

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of
PAGING NETWORK OF SAN FRANCISCO, INC.,
a Delaware Corporation, for a
Certificate to Construct Additional
Radiotelephone Utility Facilities as
may be required by § 1001, et seq.
of the California Public Utilities
Code.

Application 83-12-28
(Filed December 5, 1983)

O P I N I O N

Paging Network of San Francisco, Inc., a Delaware corporation authorized to do business in California, requests a certificate to construct and operate public utility radiotelephone facilities for the purpose of expanding its one-way paging service in portions of Marin, Contra Costa, and Alameda Counties. The application shows that copies of the application were served on the counties and principal cities in the proposed service area as well as on Intrastate Radio Telephone, Inc., Mobile Radio Systems, Gencom, Inc., Central Radio Telephone, Inc., and Pacific Bell. Notice of filing of the application appeared in the Commission's Daily Calendar of December 20, 1983. No protests to the application have been received. Applicant possesses one of the two Federal Communication Commission (FCC) construction permits necessary to engage in the proposed expansion.

The application shows that applicant is a certificated radiotelephone utility (RTU) providing one-way paging and two-way mobile RTU service throughout its certificated service area which comprises most of the San Francisco Bay Area. It also provides one-way paging service through the entire greater San Francisco Bay Area by means of intercarrier agreements with other certified RTU's.

By this application, applicant seeks to expand its one-way paging area by establishing three new base stations: one on Weidemann Hill near San Ramon, another on TV Hill near Port Chicago, and another on Round Top Peak near Orinda. The equipment employed will be similar to applicants existing 158.70 megahertz (MHz) base stations and will be installed and maintained by applicant's own employees who headquarter at applicant's main office in San Mateo. Applicant's technical competence is evidenced by its existing operations in the area to which the new base stations will be an addition. The engineering parameters of the new base stations are set forth in Exhibit C to the application.

Control of the subject base stations will be provided by a 959.8625 MHz control station to be located at Weidemann Hill, for which applicant has the necessary FCC authorization. This station will also be used to control applicant's existing 158.70 MHz base stations. It, in turn, will be controlled by applicant's existing microwave facilities that are presently in place.

Total equipment costs for the three base stations, including transmitters, antennas, transmission lines, and related equipment are estimated to be \$36,964. Since the new base stations are to be integrated into applicant's existing system, no new control terminal equipment is required, nor will new personnel be required except for the addition of sales personnel to cover the new areas to be served.

For the year ending August 31, 1983 applicant, under its former name Beepercall, Inc., had gross revenues from RTU operations of \$827,231 and a net income from those operations of \$217,241. As of August 31, 1983 applicant's predecessor company had a net worth of \$166,100. Exhibit G to the application is a copy of a letter from applicant's parent company, Paging Network, Inc. expressing its intent to make available to applicant sufficient funds to construct the proposed facilities. There is also a letter from Continental

Illinois National Bank reciting that Paging Network, Inc. has an available line of credit of \$1,400,000 for acquiring radio common carrier companies and related capital expenditures and working capital."

Applicant currently serves over 3,800 customers in the San Francisco Bay Area. Applicant states that, generally, the proposed service is intended to improve service to the eastern portions of its market and include contiguous portions of the market to the east and northeast of the applicant's reliable service area. Applicant contends the proposed service will substantially improve its existing service by significantly improving reliability on the fringes of its current service area. By extending its coverage into this populous portion of the market, applicant will be able to serve the public better by providing single-carrier service over a much greater portion of the San Francisco area market. Applicant can thus be fully accountable for service throughout its full area of coverage, where it must now rely on intercarrier agreement arrangements to provide service to its subscribers in the eastern portion of the market area.

Applicant currently possesses an FCC construction permit for the Weidemann Hill and TV Hill installations but, as yet, does not have an FCC permit covering the installation on Round Top Peak, though applicant does have an application pending before the FCC for that latter installation and expects it to be issued very shortly. Upon the issuance of that permit applicant will file it in this proceeding.

Applicant requests a waiver of the 30-day filing time requirement for RTU applications as set out in Rule 18(o)(1) of the Commission's Rules of Practice and Procedure. The FCC permit it possesses was issued October 27, 1983. During the 30-day period following the issuance of its FCC permit applicant found itself on the horns of a dilemma in that if it filed within the 30-day period without having an FCC permit for the Round Top Peak installation its

application may be rejected as being incomplete, or if the Round Top Peak FCC permit was not to be issued until after the 30-day period and applicant waited until that time to file, the application may be rejected as not being filed on time. Applicant waited out the 30-day period in hopes that the Round Top Peak FCC permit would be issued during that time. When it was not so issued applicant finalized its application and filed it with the Commission, 9 days after the expiration of the 30-day period.

Because applicant's FCC permit expires June 21, 1984, this decision will be made effective today.

Findings of Fact

1. Applicant currently conducts one-way paging and two-way mobile radiotelephone service in the San Francisco Bay Area.
2. Applicant requests a certificate to construct and operate facilities for the purpose of expanding its one-way radiotelephone paging service to portions of Marin, Contra Costa, and Alameda Counties.
3. Applicant possesses two of the three requisite FCC permits to engage in the operation.
4. The one FCC permit which applicant does not have has been applied for and should be forthcoming in the very near future.
5. Applicant currently serves the proposed area of expansion by means of intercarrier agreements with other certificated RTU's.
6. The equipment to be employed in the proposed extended area will be similar to applicant's existing 158.70 MHz base stations.
7. Total equipment costs for the three base stations, including transmitters, antennas, transmission lines, and related equipment will cost approximately \$36,964.
8. Applicant has the financial resources available to it to construct and operate the proposed system.
9. The proposed system will merely be an expansion of its present profitable operations which has over 3,800 customers.

10. The proposed expansion will improve applicant's service on the fringes of its current service area and allow it to give single carrier service in areas that it must now service through intercarrier service.

11. The proposed expansion is technically feasible.

12. The proposed service is economically feasible.

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

14. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

15. A hearing is not necessary.

Conclusions of Law

1. Applicant's motion for waiver of the 30-day filing time requirement of Rule 18(o)(1) of the Commission's Rules of Practice and Procedure should be granted.

2. The application should be granted.

Only the amount paid to the State for operative rights may be used in rate fixing. 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 Paging Network of San Francisco, Inc. (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. Weidemann Hill, approximately 3.0 miles SSW of San Ramon, Contra Costa County. Lat. 37° 44' 18" N, Long. 121° 59' 38" W.
- b. TV Hill, approximately 1.4 miles SW of Port Chicago, Contra Costa County. Lat. 38° 01' 49" N, Long. 122° 00' 03" W.

- c. Round Top Peak, approximately 2.5 miles SSE of Orinda, Contra Costa County. Lat. 37° 51' 00", Long. 122° 11' 30" W.

. Service area:

As depicted in Exhibit E to Application (A.)
83-12-28.

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 Ordering Paragraph 3, tariffs applicable to the service authorized containing rates, rules, and charges otherwise applicable to its radiotelephone services. The offerings, rates, and charges shall be the same as applicant is now charging for its one-way paging service on frequency 35.22 MHz in its Los Angeles area operations. This filing shall comply with General Order 96-A. The tariffs shall become effective on not less than 10 days' notice.

4. Applicant shall file, after the effective date of this order and compliance 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 Rule 22.504, commonly known as the "Carey Report", consistent with Exhibit E to A.83-12-28.

5. Applicant shall notify this Commission, in writing, of the date service is first rendered to 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. Applicant's motion for waiver of the 30-day time filing requirement of Rule 18(o)(1) of the Commission's Rules of Practice and Procedure is granted.

9. 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.

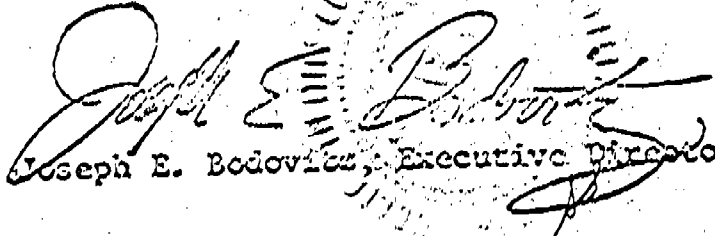
This order is effective today.

Dated MAY 2 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