

Decision 87 12 007 DEC 9 1987

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SOUTHLAND COMMUNICATIONS, INC.,)
d/b/a National Paging, a California)
corporation, for a Certificate to)
Construct additional Radio-Telephone)
Utility Facilities serving in and)
around Danville, San Jose, Redwood)
City, Oakland, Hayward, Novato, Daly)
City, Concord, Vacaville, Modesto,)
Stockton, Lodi, Woodland, Sacramento,)
and Salinas/Monterey, California as)
may be required by Section 1001, et)
seq. of the California Public)
Utilities Code. (U-2080-C))

Application 87-02-008
(Filed February 4, 1987;
amended March 11, 1987)

In the matter of the Application of)
SOUTHLAND COMMUNICATIONS, INC.,)
d/b/a National Paging, a California)
corporation, for a Certificate to)
Construct additional Radio-Telephone)
Utility Facilities serving in and)
around Los Angeles, San Diego, San)
Clemente, San Bernardino, San Luis)
Obispo, Santa Maria, Victorville,)
Palmdale, Palm Springs, Avalon and)
Kern, California as may be required)
by Section 1001, et seq. of the)
California Public Utilities Code.)
(U-2080-C))

Application 87-02-009
(Filed February 4, 1987;
amended March 11, 1987)

OPINION

In Application (A.) 87-02-008 applicant Southland Communications, Inc., a California corporation, requests a certificate of public convenience and necessity to construct and operate facilities for the purpose of engaging in public utility one-way radiotelephone service in a land area generally within a line drawn from Monterey to Porterville, thence north to Pine Ridge, thence northwest to Auburn, thence west to the Pacific

Ocean. The application shows that copies of the application were served on ten radiotelephone utilities with which the proposed service may be competitive and on the counties and principal cities within the service area. Notice of the filing of the application appeared in the Commission Daily Calendar of February 9, 1987. No protests to the application have been received.

In A.87-02-009 applicant Southland Communications, Inc. (the same applicant in A.87-02-008) requests a certificate of public convenience and necessity to construct and operate facilities for the purpose of expanding its one-way radiotelephone service in Southern California. The application shows that copies of the application were served on 23 radiotelephone utilities with which the proposed service may be competitive and on the counties and principal cities within the expansion area. Notice of the filing of this application appeared in the Commission Daily Calendar of February 9, 1987. No protests to the application have been received.

Decision 87-04-029, dated April 8, 1987, authorized applicant to transfer its operations, as well as its interest in these applications, to Southland Holding, Inc. By amendment filed in these herein applications Southland Holdings, Inc. requests that it be substituted as the applicant in each of said applications.

Applicant possesses the requisite Federal Communication Commission (FCC) permits, except for three base station sites which have been applied for and should be issued by the FCC shortly.

Applicant is a certificated radio-telephone utility which provides public utility one-way radiotelephone service in the counties of Los Angeles, Orange, Riverside, San Bernardino, Ventura, Santa Barbara, and San Diego. Applicant seeks to expand its Southern California service area by the construction of 14 additional base stations in and around that service area. It seeks to establish a new one-way paging service area in Northern California by the construction of 24 base stations in and around

the San Francisco Bay Area. The antennas will be located on existing radio towers in existing antenna farms.

In both northern and southern service areas applicant intends to offer state-of-the-art paging services as they are developed at 900 megahertz. The service offerings will be fully automatic and interconnected locally and will initially include tone-only, numeric display and tone-and-voice service. Maintenance and repair services for the proposed transmitting facilities will be provided by experienced technicians who will have access to applicant's transmitter and control points at all times to perform routine maintenance and emergency repair services. During working hours, the technicians will be on duty at the control point and at other times they will be on call.

Applicant contends that the proposed services will be economically feasible. The installations proposed in Northern California are estimated to cost approximately \$400,000 and those in the south \$220,000. Applicant represents that it has sufficient finances available to it to finance the proposed constructions.

Applicant submits that there is a large market of potential users whose service needs are not being met and can be met by applicant. In addition, the southern service will substantially improve applicant's existing service by improving service reliability on the fringes of applicant's current service area.

Applicant intends to charge the same rates that it is now charging.

Findings of Fact

1. Applicant requests a certificate each to construct and operate a public utility communications facilities for the purpose of providing one-way radiotelephone service in (a) Southern California and (b) in the greater San Francisco Bay area.

2. No protests to the application have been received.

3. Applicant has the requisite FCC construction permits, except three such permits which have been applied for and should soon be issued.

4. Applicant currently provides the same type of service in Southern California for which it is here applying.

5. All base stations will be located at existing antenna farms.

6. Applicant has had experience in managing and operating a one-way radiotelephone system.

7. The proposed cost to purchase and install the proposed facilities is estimated to be \$620,000.

8. Applicant has available to it sufficient financial backing to construct the system.

9. The proposed service is technically feasible.

10. The proposal is economically feasible.

11. Public convenience and necessity require the granting of each application.

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

14. A public hearing is not necessary.

15. Applicant is subject to the user fee as a percentage of gross revenue pursuant to Public utilities (PU) Code §§ 431-435.

Conclusions of Law

1. The applications should be granted.

2. 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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Southland Holdings, Inc. (applicant) to construct and operate an expanded public utility one-way radiotelephone system in Southern California with base stations and a service area located as described in Appendix A.

2. A certificate of public convenience and necessity is granted to applicant to construct and operate a public utility one-way radiotelephone system in Northern California with base stations and a service area located as described in Appendix B.

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

4. 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 those which applicant is presently charging. This filing shall comply with General Order 96-A. The tariffs shall become effective on not less than 10 days' notice.

5. Applicant shall file, after the effective date of this order and in compliance with Ordering Paragraph 3, as part of its individual tariff, a service area map drawn in conformity with the provisions of the FCC Rule 22.504(b)(2), consistent with its proposed service areas as set forth in Exhibit C to A.87-02-009 and Exhibit C to A.87-02-008.

6. Applicant shall notify this Commission, in writing, of the date each of the services authorized herein is first rendered to the public under the rates, rules, and charges authorized within five days after services begin.

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

8. 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.

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

10. Applicant is subject to the user fee as a percentage of gross intrastate revenue under Public Utilities Code §§ 431-435.

11. The application is granted as set forth above.

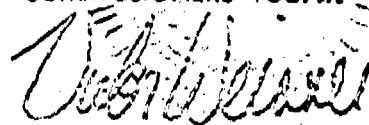
This order becomes effective 30 days from today.

Dated DEC 9 - 1987, at San Francisco, California.

STANLEY W. HULETT
President

DONALD VIAL
FREDERICK R. DUDA
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

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



Victor Weiss, Executive Director

APPENDIX A

Tassajera Peak
7 mi. NNW of
San Luis Obispo, CA
(35°23'37" N,
120°42'23" W)

Tepusquet Peak
13 mi. SSE of
Santa Maria, CA
(34°54'36" N,
120°11'08" W)

Edom Hall
Palm Springs, CA
(35°52'00" N,
116°25'56" W)

Heaps Peak
2 miles NW of
Running Springs
San Bernardino, CA
(34°14'03" N,
117°08'25" W)

2 miles east of
Vista (San Diego, CA)
(33°12'53" N,
117°11'15" W)

Mt. Palomar
Approx. 20 miles NE of
Escondido
San Diego, CA
(33°18'32" N,
116°50'59" W)

Mount Lukens
3.5 miles NE of
La Crescenta, CA
(34°16'08" N,
118°14'17" W)

Quartzite Mountain
Victorville, CA
(34°36'36" N,
117°17'13" W)

Mount Emma
6.5 miles south of
Palmdale, CA
(34°28'56" N,
118°04'49" W)

7.5 miles NW of
Avalon, CA
(33°24'20" N,
118°24'48" W)

Snow Peak
8 miles NE of
Banning
San Bernardino, CA
(34°02'17" N,
116°48'49" W)

Oat Mountain
6 miles west of
San Fernando
Los Angeles, CA
(34°19'28" N,
118°34'48" W)

666 Anton Blvd.
Costa Mesa, CA
(33°41'27" N,
117°53'00" W)

1.8 miles NE of
San Clemente, CA
(33°26'35" N,
117°35'14" W)

(END OF APPENDIX A)

APPENDIX B

Page 1

Skaggs Point
Redwood City, CA
(37°24'39" N,
122°18'19" W)

Moss Wood Bldg.
Oakland, CA
(37°49'24" N,
122°15'32" W)

27640 Fairview Ave.
Hayward, CA
(37°39'45" N,
122°01'31" W)

San Bruno Mt.
Daly City, CA
(37°41'21" N,
122°26'08" W)

TV Hill one mi.
north of Concord, CA
(38°01'49" N,
122°00'03" W)

North Gate Tower
Sacramento, CA
(38°38'54" N,
121°28'40" W)

555 Capital Street
Sacramento, CA
(38°34'35" N,
121°30'00" W)

11000 Fulson Blvd.
Rancho Cordova, CA
(38°36'09" N,
121°16'20" W)

1325 North Center St.
Stockton, CA
(37°57'34" N,
121°15'28" W)

820 South Cliff
Lodi, CA
(38°07'30" N,
121°15'00" W)

1020 East Street
Woodland, CA
38°39'49" N,
121°45'55" W)

Big Rock Ridge
4.5 mi east of
Novato, CA
(38°03'33" N,
122°36'16" W)

Mt. Vaca
Vacaville, CA
(38°23'38" N,
122°05'51" W)

Bald Mountain
5 miles west of
Pineridge (Fresno, CA)
37°03'53" N,
119°25'00" W)

Bear Mountain
2 miles NW of
Squaw Valley, CA
(36°44'44" N,
119°16'57" W)

1060 Fulton Mail
Fresno, CA
36°44'06" N,
119°47'23" W)

APPENDIX B
Page 2

Fremont Peak
9 miles NE of
Salinas, CA
Monterey, CA
(36°45'22" N,
121°30'06" W)

1723 N Street
Merced, CA
(37°18'10" N,
120°29'06" W)

Mt Diablo
Approx. 6 mi NE
of Danville, CA
(37°52'54" N,
121°55'05" W)

Sherman Bldg.
Santa Barbara, CA
(37°19'03" N,
121°56'47" W)

NW Corner of Walnut
and Woodland Avenue

Visalia, CA
36°18'50" N,
119°19'06" W)

4551 East Hamilton
Madera, Ca
36°56'38" N,
120°02'35" W)

Mt. Oso
Tracy, CA
(37°30'31" N,
121°22'26" W)

12th & J Streets
Modesto, CA
(37°38'30" N,
120°59'51" W)

(END OF APPENDIX B)