

Decision 88 06 059

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the joint Application)
of Mobilecomm of San Francisco, Inc.)
(U-2006-C) and MCI Airsignal of)
California, Inc. (U-2028-C) for)
authority to transfer certain assets)
used in the delivery of one- and two-way)
radiotelephone services to the public in)
the Greater San Francisco Bay Area,)
California.)

Application 88-02-040
(Filed February 23, 1988)

O P I N I O N

Applicants, Mobilecomm of San Francisco, Inc. (Mobilecomm) and MCI Airsignal of California, Inc. (Airsignal), jointly request authority to transfer certain radiotelephone utility (RTU) assets from Mobilecomm to Airsignal, pursuant to Public Utilities (PU) Code § 851 et seq.

Notice of the filing of this application appeared in the Commission's Daily Calendar of February 25, 1988. No protests to the application have been received; therefore, a public hearing is not necessary.

Mobilecomm is a certificated RTU which provides fully interconnected one-way and two-way RTU services in and around the Greater San Francisco Bay Area. Mobilecomm is a wholly owned subsidiary of Mobile Communications Corporation of America, a publicly held Delaware corporation with other subsidiaries that provide RTU services in and around the San Diego, Los Angeles, and Sacramento Metropolitan Areas.

Airsignal is a certificated RTU which provides fully interconnected one-way and two-way RTU services throughout California. Airsignal is a McCaw RCC Communications, Inc. affiliate.

Mobilecomm, McCaw Cellular, Inc. (McCaw), and certain affiliates of Mobilecomm and McCaw not subject to the Commission's jurisdiction propose a mutual exchange of radiotelephone facilities no longer necessary or useful in the performance of their respective duties to the public, but which are useful to another party to the "Agreement." A copy of the Agreement is attached to the application as Exhibit A.

Only the transfer of Mobilecomm's 454.075 megahertz (MHz) frequency on Station KMM-599 in Palo Alto and San Jose, Mobilecomm's 454.075 MHz frequency under construction in Palo Alto, and Mobilecomm's sharing agreement with Crico Telecommunications for the 454.075 MHz frequency in San Jose are subject to the Commission's jurisdiction.

The Agreement provides for the transfer of Mobilecomm's facilities, identified above, to McCaw. By a separate agreement, McCaw will transfer these facilities to Airsignal, Exhibit B to the application. In exchange, McCaw's affiliates will transfer to Mobilecomm's affiliate, Com/Nav Marine, Inc.,¹ air/ground radiotelephone frequencies in Texas, Oklahoma, and Alaska, Exhibit A to the application.

Mobilecomm's existing customers will not be impacted by this transfer because its customers will be transferred to Mobilecomm's other authorized frequencies. The transfer of frequencies will result in no cost to Mobilecomm's customers.

Airsignal will continue to offer RTU services on the 454.075 MHz frequency, pursuant to its tariffs currently on file with the Commission.

¹ Com/Nav Marine, Inc. is not identified as a Mobilecomm affiliate either in the application or in the Agreement. However, by clarification letter of June 7, 1988, applicants identified Com/Nav Marine, Inc. as a commonly owned affiliate of Mobilecomm.

Because the proposed transfer involves only an exchange of existing radiotelephone facilities and because Airsignal does not propose any new construction or relocation of these facilities, it can be seen with certainty that the proposed transfer will not have an adverse impact on the environment.

Applicants request that the Commission's Executive Director issue an order authorizing the proposed transfer, pursuant to Decision (D.) 87-10-035.

Findings of Fact

1. Applicants request authority to transfer certain RTU assets from Mobilecomm to Airsignal.
2. Notice of the application appeared in the Commission's Daily Calendar of February 25, 1988.
3. No protests to the application have been received.
4. Mobilecomm and Airsignal are certificated RTUs.
5. Mobilecomm's existing customers will not be impacted by the transfer.
6. Airsignal will continue to offer RTU services on the 454.075 MHz frequency, pursuant to its tariffs currently on file.
7. It can be seen with certainty that the proposed transfer will not have an adverse impact on the environment.
8. Ordering Paragraph 1 of D.87-10-035 provides in part that:

"...permit the Executive Director to grant noncontroversial applications by nondominant telecommunications carriers and radiotelephone utilities for authority to transfer assets or control under §§ 851-855 of the PU Code."

Conclusion of Law

The application should be granted.

This authorization is not a finding of the value of the rights and property to be transferred.

ORDER

IT IS ORDERED that:

1. On or after the effective date of this order, Mobilecomm of San Francisco, Inc. (Mobilecomm) may transfer to MCI Airsignal of California, Inc. (Airsignal) the operating authority and operating properties for radiotelephone service described in the application, and in accordance with the terms of the application.

2. The authority granted in Ordering Paragraph 1 shall be conditioned upon Mobilecomm and Airsignal demonstrating to the Commission Advisory and Compliance Division Director in writing that the Federal Communications Commission permits for the frequencies identified in the application have been transferred from Mobilecomm to Airsignal.

3. Mobilecomm shall inform the Commission Advisory and Compliance Division Director in writing of the actual transfer date as authorized herein, within 5 days after the transfer is completed. A copy of the transfer documents shall be attached.

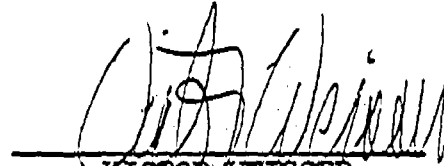
4. The corporate identification number assigned to Mobilecomm is U-2006-C which should be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

5. The corporate identification number assigned to Airsignal is U-2028-C which should be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

6. The authority granted in Ordering Paragraph 1 will expire if not exercised within 12 months after the effective date of this order.

This order is effective today.

Dated JUN 28 1988, at San Francisco, California.



VICTOR WEISSER
Executive Director

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



Victor Weisser, Executive Director

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OPINION

Applicants, Mobilecomm of San Francisco, Inc.
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