

Decision 88 07 050 JUL 22 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Mobilecomm of California, Inc. )  
(U-2032-C) for a Certificate of )  
Public Convenience and Necessity to )  
expand its radiotelephone utility )  
paging operations in various )  
California locations. )

JUL 22 1988

Application 88-03-033  
(Filed March 15, 1988)

OPINION

Mobilecomm of California, Inc. (applicant) requests a certificate of public convenience and necessity (CPC&N) to construct and operate additional one-way paging transmission facilities, pursuant to Public Utilities (PU) Code Section 1001, et seq. Applicant proposes to expand its service territory into Sonoma and Napa Counties; Santa Cruz County; Highway 80, between Vallejo and Davis; the San Joaquin Valley; and the cities of Barstow and Victorville. A map and engineering statements of the proposed service area are attached to the application as Exhibit B and D, respectively.

Copies of the application have been served on cities and counties within the proposed service territory and on other entities with which the proposed service is likely to compete, as listed in Exhibit I to the application. Notice of this application appeared in the Commission's Daily Calendar of March 22, 1988. No protests to the application have been received; therefore, a public hearing is not necessary.

Although applicant has applied with the Federal Communications Commission (FCC) for authority to construct 63 base station facilities on the 931.2875 megahertz frequency, applicant is seeking a CPC&N for only 18 base station facilities located outside of applicant's existing service area. Applicant is

not seeking a CPC&N for the remaining 45 base station facilities identified in this application because these facilities are located within applicant's present service territory and, as such, do not require Commission authority through the formal application process, pursuant to Rule 18(o)(5) of the Commission's Rules of Practice and Procedure (Rules).

At the time of filing this application, applicant possessed the requisite FCC permits for 11 of the 18 base station facilities to be constructed outside of applicant's present service area. Subsequently, by letter of June 1, 1988, applicant clarified that it possesses FCC permits for 17 of the 18 base stations. The permit for the base station located at 1715 N Street, Merced has not been issued by the FCC.

Applicant is a certificated radiotelephone utility (RTU) which provides one-way paging and two-way mobile telephone services in various California locations. Applicant is a wholly owned subsidiary of Mobile Communications Corporation of America (MCCA).

Applicant currently utilizes different radio frequencies for its RTU services to the major metropolitan areas. These radio frequencies are different because applicant acquired its RTU service territory through the purchase of several independent, family owned companies which developed local systems on the frequency resources which were then available to the radio paging industry. Applicant believes that the proposed facilities will enable applicant to better serve its customers through one common frequency. Accordingly, applicant represents that a public need and demand exists.

Applicant's engineering data submitted to the FCC, Exhibit D to the application, and the grant of FCC permits demonstrate that the proposed facilities are technically feasible.

Total capital requirement for the eighteen base station facilities is projected to cost \$378,000, Exhibit H to the application. The necessary funds for the proposed operation will

be provided from applicant's internally generated funds. Additional funds will be available through advances from MCCA, which has a net worth of approximately \$300,000 as of September 30, 1987.

Applicant expects the proposed service, with the completion of the base station facilities within applicant's present service territory, to obtain approximately 1,500 paging units at the end of the first year of operation and approximately 4,000 paging units at the end of the fifth year. The additional paging units are expected to enhance the present profitability of applicant's operations.

The proposed facilities will be located at radio facilities already in existence, including transmitters, antennae, buildings and other structures. To the extent that local use permits are required for additions to any of these facilities, applicant will follow local procedures, and satisfy local requirements. Accordingly, applicant represents that it may be seen with certainty that there is no project-wide environmental impact requiring the Commission to act as Lead Agency pursuant to Rule 17.1 of the Commission's Rules. We will make that finding but will require applicant to send all local permitting agencies a copy of this decision for their use.

The rates to be charged for the proposed service are the same rates for similar services that applicant presently has on file with the Commission.

Findings of Fact

1. Applicant requests a CPC&N to construct and operate eighteen additional base station facilities outside applicant's present service territory.
2. Copies of the application have been served on the cities and counties within the proposed service territory and on other entities with which the proposed service is likely to compete.

3. Notice of the application appeared on the Commission's Daily Calendar of March 22, 1988.
4. No protests to the application have been received.
5. Applicant possesses the requisite FCC permit for 17 of the 18 base station facilities.
6. Applicant is a certificated RTU.
7. The proposed operation is technically feasible.
8. The proposed operation is economically feasible.
9. It can be seen with reasonable certainty that there is not any possibility that the granting of this application may have a significant effect on the environment.
10. Public convenience and necessity require the granting of this application.
11. A public hearing is not necessary.

Conclusion of Law

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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity (CPC&N) is granted to Mobilecomm of California, Inc. (applicant) to construct and operate a public utility one-way radiotelephone system with base stations as identified in Appendix A to this order and a service area as shown in Exhibit B to Application (A.)

88-03-033.

2. The CPC&N granted in Ordering Paragraph 1 for the base station locations identified as Item x of Appendix A to this order shall be conditioned upon applicant demonstrating to the Commission

Advisory and Compliance Division Director in writing that applicant possesses the requisite Federal Communications Commission (FCC) permit.

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

4. Applicant is authorized to file, after the effective date of this order in compliance with General Order 96-A, tariffs applicable to the service authorized containing rates, charges, and rules applicable to its radiotelephone services. The tariffs shall become effective on not less than 5 days' notice. The rates and charges shall be the same as for similar services that applicant has on file with the Commission.

5. Applicant shall file as part of its individual tariff, after the effective date of this order and, consistent with Ordering Paragraph 4, an engineered service area map drawn in conformity with FCC Rule 22.504(b)(2), consistent with its proposed service area as shown on the map in Exhibit B to A.88-03-033.

6. Applicant shall notify the Commission Advisory and Compliance Division Director in writing of the date service is first rendered to the public as authorized herein, within 5 days after service begins.

7. The corporate identification number assigned to Mobilecomm of California, Inc. is U-2032-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.

8. Applicant shall provide a copy of this decision to all local permitting agencies not later than 30 days from today.

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

This order becomes effective 30 days from today.

Dated July 22, 1988, 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 Weissel, Executive Director

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APPENDIX A

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- a. 4425 Cavedale Road, Glen Ellen.  
(Lat. 38° 22' 23" N, Long. 122° 27' 44" W)
- b. Burdell Mountain, 6.3 miles north of Novato.  
(Lat. 38° 08' 46" N, Long. 122° 35' 25" W)
- c. Mt. Vaca, 1.0 mile north of Mix Canyon Road,  
Vacaville.  
(Lat. 38° 24' 51" N, Long. 122° 06' 50" W)
- d. End of Loma Prieta Road, New Almaden.  
(Lat. 37° 06' 39" N, Long. 121° 50' 31" W)
- e. Quartzite Peak, 5.0 miles north of Victorville.  
(Lat. 34° 36' 38" N, Long. 117° 17' 20" W)
- f. 4.0 miles north of Barstow.  
(Lat. 34° 58' 15" N, Long. 117° 02' 23" W)
- g. 11 South San Joaquin Street, Stockton.  
(Lat. 37° 57' 13" N, Long. 121° 17' 07" W)
- h. Mt. Toro, 9.5 miles south of Salinas.  
(Lat. 36° 32' 06" N, Long. 121° 37' 09" W)
- i. Fremont Peak, 5.0 miles northeast of Natividad.  
(Lat. 36° 45' 23" N, Long. 121° 30' 05" W)
- j. 928 12th Street, Modesto.  
(Lat. 37° 38' 30" N, Long. 120° 59' 51" W)
- k. 2220 Tulane Street, Fresno.  
(Lat. 36° 44' 10" N, Long. 119° 47' 08" W)
- l. 1.0 mile north of Highway 4, near Port Chicago.  
(Lat. 38° 01' 49" N, Long. 122° 00' 03" W)
- m. 1.0 mile east of Benchmark, 626 feet off Palomares  
Road, Niles.  
(Lat. 37° 37' 12" N, Long. 121° 55' 17" W)

APPENDIX A  
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- n. Cow Mountain, 6.5 miles east of Ukiah.  
(Lat. 39° 07' 50" N, Long. 123° 04' 32" W)
- o. 1.5 miles northwest of Sutter Buttes, Yuba City.  
(Lat. 39° 12' 21" N, Long. 121° 49' 11" W)
- p. San Benito Mountain, 11.3 miles southeast of Idria.  
(Lat. 36° 27' 07" N, Long. 120° 38' 34" W)
- q. 7.0 miles east northeast of Highway 99 and Highway  
58, Bakersfield.  
(Lat. 35° 24' 59" N, Long. 118° 55' 33" W)
- r. 1715 N Street, Merced.  
(Lat. 37° 18' 10" N, Long. 120° 29' 07" W)

(END OF APPENDIX A)



be provided from applicant's internally generated funds. Additional funds will be available through advances from MCCA, which has a net worth of approximately \$300,000 as of September 30, 1987.

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The rates to be charged for the proposed service are the same rates for similar services that applicant presently has on file with the Commission.

Findings of Fact

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2. Copies of the application have been served on the cities and counties within the proposed service territory and on other entities with which the proposed service is likely to compete.
3. Notice of the application appeared on the Commission's Daily Calendar of March 22, 1988.
4. No protests to the application have been received.

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

This order becomes effective 30 days from today.

Dated Jul 22 1988, at San Francisco, California.

STANLEY W. HULETT  
President

DONALD VIAL  
FREDERICK R. DUDA  
C. MITCHELL WILK  
JOHN B. OHANIAN  
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