

ALJ/WSP/jc

Decision 88 09 055 SEP 28 1988

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 AIRSIGNAL OF CALIFORNIA, INC., a)
 California corporation, for a)
 certificate to construct additional)
 radiotelephone utility facilities)
 serving in and around Merced and)
 Mt. Bullion, California as may be)
 required by Section 1001, et seq.)
 of the California Public Utilities)
 Code. (U-2028-C))

Application 88-08-009
(Filed August 4, 1988)

Mailed

SEP 29 1988

OPINION

Applicant Airsignal of California, Inc., a California corporation, requests a certificate of public convenience and necessity to construct and operate facilities for the purpose of expanding its public utility one-way and two-way radiotelephone utility (RTU) service to the Merced and Mt. Bullion areas. The application shows that copies of the application were served on 31 radiotelephone utilities with which the proposed service may be competitive. Notice of the filing of the application appeared in the Commission's Daily Calendar of August 9, 1988. No protests to the application have been received.

Applicant is currently authorized to render RTU service in and around the greater metropolitan areas of Los Angeles, San Francisco, and Sacramento as well as in the San Joaquin Valley. The application shows that as of June 30, 1987 application had an unaudited net worth of approximately \$15 million.

Applicant proposes to construct two base stations. Total cost to install the two base stations with allied equipment is estimated by applicant to be approximately \$114,600. The base station antennas will be located on existing towers in existing antenna farms and therefore will not result in a significant

adverse effect upon the environment. Applicant does not expect to make a profit in its first year of operation but does expect to make a profit of approximately \$48,000 in its fifth year of operation. Applicant will charge the same rates that it is now charging in its other service areas and apply the same tariff rules and regulations.

Applicant intends to offer state-of-the-art paging and two-way mobile services which will be fully automatic and interconnected and will initially include all of its presently offered paging and two-way mobile services. Applicant believes that its technical competence is evidenced by its existing operations in the areas to which the proposed base stations will be an addition.

Applicant believes the proposed service will substantially improve its existing service by improving service reliability on the fringes of its current service area. By extending its coverage into Merced and the Mt. Bullion areas, applicant will be able to better serve the public by providing single carrier service over most areas in California.

Discussion

Before applicant may lawfully perform the requested service it must secure a construction permit and assigned radio frequency from the Federal Communications Commission (FCC). Applicant has three permits with its application but only one such permit is in applicant's name. The other two permits are in the name of McCaw Cellular, Inc. and MCI Airsignal of California, Inc. The FCC permit in applicant's name pertains to one-way signaling with a base station located in Merced. Therefore, our authority granted herein will authorize the construction and operation of a one-way signaling base station in Merced. Conditional authority only will be given to construct two-way mobile radiotelephone base stations in Merced and on Mt. Bullion conditioned upon the submission by applicant of evidence that it possesses in its own

name FCC construction permits for such two-way mobile radiotelephone service.

Findings of Fact

1. Applicant requests a certificate to construct and operate facilities for the purpose of expanding its public utility one-way and two-way radiotelephone service in the Merced and Mt. Bullion areas.

2. Applicant possesses one of the three requisite FCC permits to conduct such service.

3. To construct and install the proposed additional base stations will cost approximately \$114,600, including allied equipment.

4. As of June 30, 1987 applicant had a net worth of approximately \$15 million.

5. Applicant's operation would return a profit at least by the end of its fifth year of operation.

6. The proposed base stations will be located on existing radio transmission towers in existing antenna farms.

7. The proposed service is technically feasible.

8. The proposed service is economically feasible.

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

10. Public convenience and necessity require the granting of the application.

11. A public hearing is not necessary.

12. Applicant should be subject to the user fee as a percentage of gross intrastate revenue pursuant to Public Utilities (PU) Code §§ 431-435. The fee currently is 1/10 of 1% for the fiscal year 1988-89.

Conclusions of Law

1. The application should be granted for the proposed base station for one-way service at Merced.

2. In all other respects the application should be granted on condition that the applicant present verified evidence that it possesses in its own name FCC construction permits covering the proposed two-way radiotelephone service.

3. Because applicant must, according to the one FCC permit in its name, complete construction of its base station by October 7, 1988, this order will be made effective today.

4. It can be seen with certainty that there is no possibility that the proposed project may have a significant effect on the environment.

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 Airsignal of California, Inc. (applicant) to construct and operate facilities for the purpose of rendering public utility one-way radiotelephone service with a base station located at 1715 N. Street, Merced (Lat. 37° 18' 10" N, Long. 120° 29' 08" W) and a service area as shown on the Merced contour map attached in Exhibit B in Application (A.) 88-08-009.

2. Subject to fulfilling the condition set forth in Ordering Paragraph 3 and not until then, a certificate of public convenience and necessity is granted to applicant to construct and operate facilities for the purpose of rendering public utility two-way radiotelephone service with base stations located at 1715 N. Street, Merced (Lat. 37° 18' 10" N, Long. 120° 09' 08" W) and Mount Bullion, Mariposa County (Lat. 37° 32' 00" N, Long. 120° 01' 29" W)

and a service area as shown on the third map of Exhibit B in A.88-08-009.

3. Within 30 days after this order is effective, applicant shall file in this case evidence that it has in its name FCC permit(s) authorizing it to construct the two-way radiotelephone facilities for which authority is requested herein.

4. Within two weeks after this order is effective, applicant shall file a written acceptance of the certificates granted in this proceeding.

5. Applicant is authorized to file tariffs applicable to the service as it becomes authorized containing rates, rules, and charges otherwise applicable to its radiotelephone services. The offerings, rates, and charges shall be those which applicant is now charging for like service. This filing shall comply with General Order 96-A. The tariffs shall become effective on not less than 10 days' notice.

6. Applicant shall file, after the effective date of this order and in compliance with Ordering Paragraph 5, as part of its individual tariff, a service area map drawn in conformity with the provisions of the FCC Rule 22.504, commonly known as the "Carey Report," consistent with its proposed service area as set forth on the maps of proposed service area as attached to A.88-08-009.

7. 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.

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

9. 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.

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

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

12. The application is granted as set forth above.

This order is effective today.

Dated SEP 28 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 Weisner
Victor Weisner, Executive Director

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Findings of Fact

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2. Applicant possesses one of the three requisite FCC permits to conduct such service.
3. To construct and install the proposed additional base stations will cost approximately \$114,600, including allied equipment.
4. As of June 30, 1987 applicant had a net worth of approximately \$15 million.
5. Applicant's operation would return a profit at least by the end of its fifth year of operation.
6. The proposed base stations will be located on existing radio transmission in existing antenna farms.
7. The proposed service is technically feasible.
8. The proposed service is economically feasible.
9. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.
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