

Decision 89 04 017 APR 12 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA
Mailed

In the Matter of the Application)
of Contel of California, Inc.,)
(U-1003-C) a California corpora-)
tion, for a Certificate of Public)
Convenience and Necessity pursuant)
to Section 1001 of the Public)
Utilities Code authorizing the)
construction and operation of a)
radio paging system in and around)
Mt. Chual and Santa Cruz, San Benito)
and Monterey Counties, California.)

APR 13 1989

Application 88-11-013
(Filed November 4, 1988)

O P I N I O N

Contel of California, Inc. (applicant), a California corporation qualified to do business in California, requests a certificate of public convenience and necessity to construct and operate a radio paging system in and around Mt. Chual in Santa Cruz County, and San Benito and Monterey counties. A map identifying applicant's proposed service area and engineering statements are attached to the application as Exhibits B and C.

Copies of the application were served on cities and counties within the proposed service area and other entities with which applicant's proposed service is likely to compete, as listed on the service list attached to the application.

Notice of this application appeared on the Commission's Daily Calendar of November 10, 1988. No protests to the application have been received; therefore, there is no need to hold a public hearing.

Applicant, at the time of filing its application, has the requisite Federal Communications Commission (FCC) construction permit for facilities at Mt. Chual near San Jose.

Applicant provides various telephone services throughout California. Its principal place of business is in Victorville.

Applicant contends that a public need and demand exists for its proposed service. Based upon its population projection in the area to be served of 608,400 persons, applicant contends that there is a population sufficient to support a profitable paging service.

Total capital requirements for the facilities and related equipment is estimated to be approximately \$19,500. The necessary funds are to be provided from existing revenues of applicant. Applicant's income statement is attached to the application as Exhibit H.

The proposed facilities are to be located on an existing tower and will not increase the height of this tower. Therefore, it can be seen with certainty that there is not any possibility that the proposed construction may have a significant adverse effect on the environment.

Applicant proposes to use state-of-the-art equipment for its proposed services. The service offerings are to be fully interconnected. Service is to include tone-only, digital display, digital one-way data linking, and tone-and-voice service.

Applicant enclosed proposed rates for its new service as Exhibit F. These rates are comparable with the rates of other services; however, the assigned administrative law judge requested that the services for the proposed rates be more clearly defined. Applicant provided a written definition of each proposed service which clarifies the applicability of the proposed rates; therefore, the rates are reasonable.

The proposed facilities are to be operated under the direct supervision and control of applicant's president. Maintenance and repair services are to be provided by applicant's supervised and experienced technicians.

Findings of Fact

1. Applicant requests a certificate to construct and operate RTU facilities in Santa Cruz, San Benito, and Monterey counties for the purpose of providing tone-only, digital display, digital one-way data linking, and tone-and-voice service using radio frequency 158.1000 megahertz.

2. Notice of this application appeared on the Commission's Daily Calendar of November 10, 1988.

3. No protests to the application were received.

4. Applicant possesses the requisite FCC construction permits.

5. Applicant presently provides various telephone services.

6. The proposed operation is economically feasible.

7. The proposed antenna is to be located on an existing tower.

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

9. The proposed operation is technically feasible.

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

11. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted to the extent provided for in the following order.

2. Only the amount paid to the State for operating rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly features 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 Contel of California, Inc. (applicant), a California corporation, for the construction and operation of a public utility radiotelephone paging system with facilities and service areas as follows:

Facility location: Mt. Chual, south of San Jose (Lat. 37° 07' 09" N, Long. 121° 49' 58" W.)

Service areas: As shown in Exhibit D to Application (A.) 88-11-013.

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 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 as proposed for service in Exhibit F to A.88-11-013.

4. Applicant shall file as part of its individual tariff, after the effective date of this order, and consistent with Ordering Paragraph 3, an engineered service area map drawn in conformity with the provisions of FCC Rule 22.504, commonly known as the "Carey Report," and consistent with Exhibit B to A.88-11-013.

5. 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.

6. The corporate identification number assigned to applicant is U-1003-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.

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. 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. ✓

10. Applicant shall send a copy of this decision to concerned local permitting agencies not later than 30 days from today.

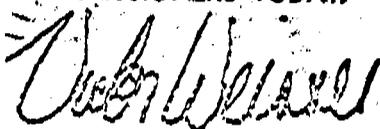
This order becomes effective 30 days from today.

Dated April 12, 1989, at San Francisco, California.

G. MITCHELL WILK
President
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

Commissioner Frederick R. Duda,
being necessarily absent, did
not participate.

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


Victor Weisser, Executive Director
OB

6. The corporate identification number assigned to applicant is U-1003-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.

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. 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 of this order.

10. Applicant shall send a copy of this decision to concerned local permitting agencies not later than 30 days from today.

This order becomes effective 30 days from today.

Dated APR 12 1989, at San Francisco, California.

G. MITCHELL WILK
President
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

Commissioner Frederick R. Duda
being necessarily absent, did
not participate.