

Decision 89 04 034 APR 12 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Blasiar Inc. dba)
Alert Communications, a California)
corporation, for a certificate)
of public convenience and necessity)
to construct and operate a one-way)
paging service for Los Angeles and)
Orange Counties, California.)

Application 88-12-053
(Filed December 29, 1988)

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APR 13 1989

O P I N I O N

Blasiar Inc., doing business as Alert Communications (applicant), seeks a certificate of public convenience and necessity pursuant to § 1001 of the Public Utilities (PU) Code of the State of California authorizing it to construct a radio-telephone utility system to provide one-way paging service in Los Angeles and Orange Counties and environs. Applicant is an agent of Paging Dimensions, Inc., a private carrier licensed by the Federal Communications Commission (FCC), and, on its behalf, sells message communications time and performs one-way paging service using the base station frequency of 929.7875 MHz in the greater Los Angeles and Orange County areas.

Applicant has received from the FCC a construction permit to build and operate base stations to provide the proposed paging service. A copy of the permit is attached to the application. Applicant has requested an extension of time to complete construction of its proposed facilities. Applicant will provide service using radio-controlled transmitters. The sites of the antennae, frequency, and other relevant data are described in detail in the FCC construction permit. Applicant's services will be available singly, or in combination, as required most effectively to meet the needs of the public.

Applicant will begin operations with antenna at three site locations and expects to have five sites within a reasonable time. Five maps, one for each antenna location, defining the proposed service area, to the extent reasonably possible given the nature of radio transmission, are attached to the application. The maps are a portion of a U. S. Geological Survey Topographic map and show each proposed antenna location and a 20-mile radius circle around the antenna location. These service areas are within the combined outer limit of 43 dBu reliable signal strength contours of the proposed transmitter, as determined in accordance with 47 CFR 22. Applicant will construct such additional transmitters as may be necessary to provide adequate signal strength at all points within its service area contour.

The equipment and facilities proposed by applicant will be completely automatic, using the latest radio and computer-control technology. This will be to ensure that customers receive fast, reliable, and easy to use service at a reasonable cost. Applicant proposes to use the 931.8125 MHz frequency to allow it to provide one-way paging services. These pagers will offer tone-only, numeric display, alpha-numeric display, and tone-and-voice paging in combinations geared to specific customer needs.

Maintenance and repair of the proposed facilities will be performed under the supervision of Paging Dimensions, Inc., which will supervise installation of the proposed system and thereafter ensure that maintenance, repair, and technical operation of the system, including frequency measurements, are in compliance with FCC requirements. Local service personnel will hold valid first-class or second-class FCC radiotelephone operator's licenses to the extent required by FCC rules. Kent M. Blasiar, a shareholder and officer of applicant, will supervise the day-to-day maintenance and repair services on behalf of applicant.

The proposed system will be designed to operate on a completely automatic basis, not requiring operators in attendance.

Transmission will be monitored routinely on a 24-hour-a-day basis to detect any system malfunction. This will be done during business hours by, or under the supervision of, the local full-time general manager. Company employees will have the capacity to diagnose equipment failure by remote dial-up to the system terminal.

A telephone number will be established to permit subscribers to obtain assistance quickly. This number will be answered during business hours by company employees. During non-business hours, the answering service responsible for receiving customer calls will be supplied with a monitor and instructed to monitor operation of the system routinely. In case of an emergency, the answering service will be instructed to contact the local FCC licensed service personnel who will be on call 24 hours a day.

The financial exhibits attached to the application show that applicant has the financial ability to institute and maintain the proposed service.

Applicant alleges that it has conducted studies throughout the greater Southern California area to determine the need for one-way paging services. These studies have included review of demographic studies and economic information pertaining to the areas it proposes to serve. Based upon this research, and the experience of applicant, applicant believes that there is a substantial market of potential users in the counties of Los Angeles and Orange whose service needs are not being currently met. These counties have shown substantial and continuing financial and population growth which has created a significant demand for the proposed paging service. Applicant is in a position to respond to the public need and demand because it proposes to provide service over a frequency of 931.8125 MHz, which is well suited for such service. Allowing the paging service which applicant proposes is

expected to encourage full utilization of the available radio spectrum.

Applicant says that its operations will be managed effectively from the start with employees who have extensive experience in providing one-way paging service. Applicant expects to be able to enter the proposed market by May 1, 1989. Applicant will offer the latest available technologies in the form of state-of-the-art equipment to its customers and will constantly upgrade its equipment to provide new service. Applicant recognizes that in a competitive environment it is necessary to provide quality service. In applicant's view, increased competition will lead to better service for the public and its certification as a radio common carrier is responsive to public need and demand.

Applicant believes that an increase in the number of radio common carriers stimulates demand as the public develops a greater awareness of the availability and convenience of paging service. In fact, providers of paging service have found that demand for such service is expanding into the non-professional market. It is being discovered that pagers have multiple uses for the family, not only as an aid in the daily routine but in recreational pursuits.

A proposed rate schedule setting forth the rates and charges which applicant proposes to make available is attached to the application. The rates appear competitive with the rates of comparable service.

All of applicant's antennae will be side mounted on existing towers which contain numerous other antennas and other radio equipment which have been installed by other common carriers. Therefore, applicant asserts with certainty that the proposed construction will not have a significant effect on the environment.

A copy of this application was served upon all utilities, corporations, persons or other entities, whether publicly or privately operated, with which the proposed operation is likely to

compete, and on the cities and counties within which service will be rendered in the exercise of the requested certificate. No protests have been received. A public hearing is not necessary. The application should be granted.

Findings of Fact

1. Applicant seeks a certificate of public convenience and necessity to construct and operate a radio-telephone utility system for the purpose of providing one-way paging service in Los Angeles County and Orange County.

2. There is a demand for the proposed service.

3. Applicant has the financial resources to provide the proposed service.

4. It can be seen with certainty that there is no possibility that the granting of this application may have a significant adverse effect on the environment.

5. Applicant is a nondominant carrier.

6. Applicant has the ability and willingness to provide the requested service immediately.

7. Applicant currently is an agent for a private carrier paging FCC licensee. In addition, applicant is free to resell services of other public land mobile radio common carriers. As a public utility, applicant will be required to file separate tariff schedules (resale and facilities-based) for all telecommunications services it provides under its own public carrier licenses or resells from another public carrier.

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

Conclusion of Law

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

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to applicant Blasiar Inc., a California corporation, to construct and operate a radio-telephone utility system for the purpose of providing one-way paging service in Los Angeles County and Orange County, with base stations at the locations set forth in the FCC construction permit, Exhibit B to the application.

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

3. Applicant shall file, after the effective date of this order and in compliance with General Order 96-A, tariffs applicable to the service authorized containing applicable rates, charges, and rules. The tariffs shall become effective on not less than 5 days' notice. The rates and charges shall be as proposed for service in Exhibit G to the application.

4. Applicant shall file as part of its individual tariff, after the effective date of this order and consistent with Ordering Paragraph 3, (1) a service area map drawn in conformity with the provisions of FCC Rule 22.504, commonly known as the Carey Report, and consistent with Exhibit C to the application, and (2) separate tariff schedules (resale and facilities-based) for all telecommunications services it provides under its own public carrier licenses or resells from another public carrier.

5. Applicant shall notify this Commission in writing of the date service is first rendered to the public as authorized herein, within 5 days after service begins.

6. Applicant shall keep its books and records in accordance with the Uniform System of Accounts for radio-telephone utilities prescribed by this Commission.

7. 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 according to the instructions included in that form.

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.

9. Applicant shall inform the Commission staff, upon request, of any private carrier services it provides directly or indirectly that is in addition to its tariffed public carrier services.

10. Applicant shall maintain separate accounts for its private carrier activities.

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

12. The corporate identification number assigned to Blasiar Inc. is U-2107-C which should be included in the caption of all original filings with this Commission, and in the title of other pleadings filed in existing cases.

13. Applicant shall inform the Commission staff of any extensions to, or modifications of, its FCC construction permit within 30 days of the event.

14. Within 60 days of the effective date of this order, applicant shall comply with PU Code § 708, Employee Identification Cards, and notify, in writing, the Chief of the Telecommunications Branch of the Commission Advisory and Compliance Division of compliance.

This order is effective 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.

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

Victor Weisser
Victor Weisser, Executive Director

Decision _____

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Dated _____, at San Francisco, California.