

Decision 89 05 057 MAY 26 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA  
Mailed

In the Matter of the Application of )  
Fred W. Daniel and Thomas L. Wise, )  
doing business as Imperial Valley )  
Mobile Phone, for a certificate to )  
construct Radio-Telephone Utility )  
facilities serving areas in southern )  
California. )

Application 89-03-042  
(Filed March 27, 1989)

MAY 26 1989

OPINION

Imperial Valley Mobile Phone (Imperial) seeks a certificate of public convenience and necessity (CPC&N) to construct radio-telephone utility facilities pursuant to Public Utilities (PU) Code § 1001 et seq. A map of the proposed service area and an engineering statement are attached to the application.

Copies of the application have been served on cities and county within the proposed service area and on other entities with which applicant's proposed service may compete. The application was filed March 27, 1989 and was noticed on the Commission's Daily Calendar. No protests to the application have been received; therefore, a public hearing is not necessary.

The application requests authority for one-way and two-way radio-telephone facilities in areas serving the Imperial Valley in southern California. It states there is significant demand in that area which applicant wishes to meet.

The application also states the operation will be managed by two individuals with considerable experience in the telecommunications and radiotelephone industries. The applicant has received necessary construction permits from the Federal Communications Commission (FCC).

Base stations are to be located on existing towers in existing antenna farms. Accordingly, it can be seen with reasonable certainty that there is not any possibility that the grant of this application may have a significant effect on the environment.

The rates to be charged for the proposed services are attached to the application. Tariffs setting forth the detailed rates, practices and classifications will be filed with the Commission upon exercise of the CPC&N.

Applicant should be subject to the fee system, as set forth in Public Utilities Code Section 401 et seq., which is used to fund the cost of regulating common carriers and businesses related thereto and public utilities. By Resolution M-4750, dated May 25, 1988, the fee level for fiscal year 1988-89 for telephone corporations was set at 1.10 of 1% (0.001%) of revenue subject to the fee. Appropriate tariff rules should be incorporated in applicant's tariff rules for the imposition of this surcharge. ✓

Findings of Fact

1. Applicant requests a CPC&N to construct and operate a public utility one-way and two-way radio-telephone utility within Imperial County.
2. Copies of the application have been served on cities and county within the proposed service area and on other entities with which applicant's proposed service is likely to compete.
3. No protest to the application have been received.
4. The proposed utility will be operated by officers with considerable experience in the telecommunications industry.
5. Applicant obtained a FCC permit to construct its proposed facility.

6. The proposed facility is technically and economically feasible.

7. It can be seen with certainty that the proposed operation will not have a significant effect on the environment.

8. Public need and demand require the granting of this application.

Conclusions of Law

1. Applicant is subject to the user fee system, as set forth in PU Code § 401 et seq.

2. The application should be granted.

3. The user fee for the 1988-89 fiscal year should be 0.10%.

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 Imperial Valley Mobile Phone (Imperial) to construct and operate a public utility one-way and two-way radio-telephone system with base stations at Brawley, California and Calexico, California and a service area as described in this application.

2. Within 30 days from the effective date of this order, 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 its radiotelephone services. The tariffs shall

become effective on not less than 5 days' notice. The rates and charges shall be as proposed in this application.

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 Federal Communications Commission Rule 22.504(b)(2), consistent with its proposed service area as shown on the map in this application.

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. Applicant shall keep its books and record in accordance with the Uniform System of Accounts for radiotelephone 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 the form.

8. Applicant is subject to the user fee as a percentage of gross intrastate revenue under PU Code § 401 et seq.

9. The corporate identification number assigned to Imperial Valley Mobile Phone is U-2109-C and should be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

10. 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.

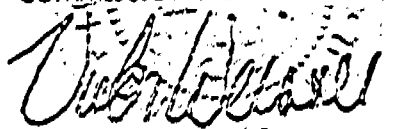
11. Within 60 days of the effective date of this order, applicant shall comply with PU Code § 708, Employee Identification Cards, and notify, in writing, the Chief of the Telecommunications Branch of the Commission Advisory and Compliance Division of compliance.

This order is effective today.

Dated MAY 26 1989, at San Francisco, California.

G. MITCHELL WILK  
President  
FREDERICK R. DUDA  
STANLEY W. HULETT  
JOHN B. CHANIAN  
PATRICIA M. ECKERT  
Commissioners

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

  
Victor Weiss, Executive Director

Base stations are to be located on existing towers in existing antenna farms. Accordingly, it can be seen with reasonable certainty that there is not any possibility that the grant of this application may have a significant effect on the environment.

The rates to be charged for the proposed services are attached to the application. Tariffs setting forth the detailed rates, practices and classifications will be filed with the Commission upon exercise of the CPC&N.

Applicant should be subject to the fee system, as set forth in Public Utilities Code Section 401 et seq., which is used to fund the cost of regulating common carriers and businesses related thereto and public utilities. By Resolution M-4750, dated May 25, 1988, the fee level for fiscal year 1988-89 for telephone corporations was set at 1.10 of 1% (0.001%) of revenue subject to the fee. Appropriate tariff rules should be incorporated in applicant's tariff rules for the imposition of this surcharge.

#### Findings of Fact

1. Applicant requests a CPC&N to construct and operate a public utility one-way and two-way radio-telephone utility within Imperial County.
2. Copies of the application have been served on cities and county within the proposed service area and on other entities with which applicant's proposed service is likely to compete.
3. No protest to the application have been received.
4. The proposed utility will be operated by officers with considerable experience in the telecommunications industry.
5. Applicant obtained a FCC permit to construct its proposed facility.