

ORIGINAL

Decision 89 08 019 AUG 3 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)	
Radio Relay Corp.-California, a)	
California corporation, for a)	Application 89-06-002
certificate of public convenience)	(Filed June 2, 1989)
and necessity to construct additional)	
radiotelephone utility facilities)	
near Santa Barbara. (U-2049-C))	

OPINION

By this application, Radio Relay Corp.-California (Radio Relay) (U-2049-C) seeks authorization to construct and operate additional paging transmitters at two locations in and near Santa Barbara. Radio Relay is a certificated radiotelephone utility in California, operating in various Southern California locations. Although Radio Relay believes it would not normally be required to file for an additional certificate under Rule 18(o)(5) of the Commission's Rules of Practice and Procedure, it has filed this application because it wishes to include in its certificate a major new community, the City of Santa Barbara.

Copies of the application have been served on the City and County of Santa Barbara and on entities with which Radio Relay may compete. The application was filed on June 2, 1989 and was noticed on the Commission's Daily Calendar.

The application requests a certificate of public convenience and necessity (CPCN) to construct and operate additional paging transmitters in the Santa Barbara area, one atop Santa Ynez peak and the other within city limits. Engineering data is attached to the application showing Radio Relay's proposed new service area and its Southern California service area as it will appear after addition of new facilities.

The new facilities will be fully interconnected with Radio Relay's existing Southern California system. Radio Relay states there is a substantial demand among its subscribers for the ability to receive paging signals on their existing receivers when traveling in and around Santa Barbara. Santa Barbara residents will also benefit from the service connection, which runs to the Mexican border.

Radio Relay has received Federal Communications Commission (FCC) authority for one proposed site and is awaiting FCC authority for the second. Radio Relay requests a waiver of Rule 18(o)(1) which would ordinarily preclude it from applying for certification in advance of receiving a construction permit. Radio Relay wishes to avoid duplicative filings for the two sites, and explains that the delay occurred because, following FCC authorization for both sites, Radio Relay determined that one site was technically insufficient. Radio Relay also states that its expansion is normally exempt from Rule 18(o)(5) since it represents far below 10% of Radio Relay's service area.

Radio Relay has significant experience in offering radiotelephone services under its existing authority and states its parent company, Graphic Scanning Corp., has agreed to guarantee all costs associated with the facility expansion.

The rates to be charged for the proposed service are those published in Radio Relay's existing tariffs.

The California radiotelephone industry is competitive, and no protests to this application have been received. Accordingly, a public hearing is not necessary.

Radio Relay is subject to the fee system, as set forth in Public Utilities (PU) Code § 401 et seq., which is used to fund the cost of regulating common carriers and businesses related thereto and public utilities. BY Resolution M-4752, dated May 26, 1989, the fee level for fiscal year 1989-90 for telephone corporations

was set at one tenth of 1% (.1%) of revenue subject to the fee. Radio Relay's tariffs already incorporate this surcharge.

Findings of Fact

1. Radio Relay requests a CPCN to construct and operate a radiotelephone public utility in the Santa Barbara area. This application is for an extension of Radio Relay's existing service territory in Southern California.

2. Copies of the application have been served on the City and County of Santa Barbara, and on entities with which Radio Relay may compete.

3. No protests to the application have been received.

4. The proposed utility will be operated by officers with substantial experience in the radiotelephone utility industry.

5. Radio Relay has obtained a FCC permit to construct one of its proposed facilities and awaits authority for the second.

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. Radio Relay should be granted a waiver of Rule 18(o)(5) in this case.

2. Radio Relay is subject to the user fee system, as set forth in PU Code § 401 et seq.

3. This application should be granted.

4. The user fee for the 1989-90 fiscal year should be 0.10%.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Radio Relay Corp.-California (Radio Relay) to construct and operate a radiotelephone public utility in the Santa Barbara area, a service area described in this application.
2. Within 30 days from the effective date of this order, Radio Relay shall file a written acceptance of the certificate granted in this proceeding.
3. Radio Relay's rates for the new service area will be those on file in its current tariffs for radiotelephone services in Southern California.
4. Radio Relay shall file 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. Radio Relay 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 operations approved by this order shall be included in Radio Relay's annual report, in compliance with General Order 104-A.
7. Radio Relay is subject to the user fee as a percentage of gross intrastate revenue under PU Code § 401 et seq.

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 is effective today.

Dated AUG 3 1989, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

Commissioner Stanley W. Hulett,
being necessarily absent, did not
participate.

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


Victor Weisser, Executive Director