

Decision 89 08 024 AUG 3 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of METROCALL OF DELAWARE,)
INC., [I.D. No. U-2079-C], a)
Delaware and Virginia corporation)
(MOD), for a Certificate of Public)
Convenience and Necessity to)
construct and operate a Radio-)
telephone Utility Paging System in)
the Cities and surrounding areas of)
Sacramento, Mary's City, Fresno,)
San Bernardino and San Marcos.)

Application 89-05-034
(Filed May 17, 1989)

O P I N I O N

Metrocall of Delaware, Inc. (applicant) seeks a certificate of public convenience and necessity to expand its certificated one-way paging operations as a radiotelephone utility (RTU). It received a certificate in Application (A.) 86-03-031 and A.87-11-046. The scope of its current operations is described in Exhibit C to the application. Exhibit C is a copy of a recent Advice Letter making numerous additions to applicant's service area that did not require certification under Public Utilities (PU) Code § 1001. Generally speaking, applicant now holds itself out to provide paging and signaling in areas ranging from Marin County to the north and Fresno to the south, with overlapping coverage of an area including both San Francisco and Monterey Bay areas, and with single coverage of Stockton and Sacramento areas.

This application proposes to add additional transmitter sites which do require certification under § 1001. These sites are:

<u>Site</u>	<u>Community</u>
Eldorado Hills*	Placerville
Sutter Buttes*	Marysville
Fresno*	Fresno
Blue Mountain*	San Bernardino
Mt. Whitney**	Oceanside

* FCC Construction Permits granted.
** FCC Construction Permit pending.

When all new transmitters are in service, applicant plans to offer a series of extended area service options, the most comprehensive of which will provide service in major California cities. However, these new offerings are not a part of this application.

Based on market studies and consumer inquiries, applicant has determined that there is a need for extended coverage paging. It asserts that there is currently no such service in California. It contends that authorizing the expansion proposed will sharpen competition, and give the consumer a wider range of choices, thereby encouraging lower rates.

All of the proposed sites are currently occupied by other antennas. Applicant therefore concludes that there will be no environmental impact.

Notice of the application was given by publication in the Commission's Daily Calendar on May 22, 1989. No protests have been received.

Based on the applicant's showing in its application, the Commission adopts the following findings and conclusion.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. The proposed operation will improve service for some of applicant's existing customers. It will make the service more attractive to many new users.

3. Applicant has the ability, including financial ability, to conduct the proposed operations.

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

5. Public convenience and necessity require that the application be granted.

6. Because of the public interest in service improvements, this order should be effective on the date of issuance.

Conclusions of Law

1. The application should be granted.

2. As a telephone corporation operating as a telecommunications service supplier, applicant is subject to the user fee provided in PU Code §§ 431-435. For the 1989-90 fiscal year the fee is 0.1% of gross intrastate revenue.

3. As a one-way carrier, applicant is not subject to the surcharge for Telecommunications Devices for the Deaf (Resolution T-13005, PU Code § 2881).

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 Metrocall of Delaware, Inc. for the construction and

operation of a one-way and two-way radiotelephone utility with additional antenna sites at:

<u>Site</u>	<u>Community</u>
Eldorado Hills	Placerville
Sutter Buttes	Marysville
Fresno	Fresno
Blue Mountain	San Bernardino
Mt. Whitney	Oceanside

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 as part of its individual tariff, after the effective date of this order, an engineered service area map drawn in conformity with the provisions of Federal Communications Commission Rule 22.504, commonly known as the "Carey Report," and consistent with the application.

4. 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.

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

6. 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 becomes effective 30 days from 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
Victor Weisser, Executive Director
JB