

Decision 89 09 020 SEP 7 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
AALERT PAGING COMPANY OF SAN)
FRANCISCO, (U-2085-C), a California)
corporation, for a Certificate of)
Public Convenience and Necessity to)
expand its facilities to provide)
radio telephone services on and)
around the area of Stockton,)
California.)

Application 89-04-018
(Filed April 10, 1989)

OPINION

AAlert Paging Company of San Francisco (applicant) seeks a certificate of public convenience and necessity (CPC&N) to provide two-way mobile services and one-way paging services on 454.425 MHz in the Fresno area. Applicant proposes to provide tone only, tone and voice, digital display, and alpha-numeric one-way radio paging service. Applicant is a wholly owned subsidiary of AAlert Paging Company which in turn is wholly owned by Citizens Utilities Company. Applicant is currently authorized to provide radiotelephone service in the San Francisco area.

Copies of the application have been served on the city and county within the proposed service area and on other entities with which applicant's proposed service may compete. The application was filed April 10, 1989 and was noticed on the Commission's Daily Calendar. No protests to the application have been received and a public hearing is not necessary.

Applicant has attached a map defining the proposed coverage area, the engineering specifications of the proposed base station transmitter and coverage area engineering, and a copy of its Federal Communications Commission construction permit to the application. The proposed system will be designed to operate on a

completely automatic basis controlled from applicant's existing facilities in San Francisco.

Base stations are to be located on existing towers in existing antenna farms. Accordingly, it can be seen with reasonable certainty that there is no possibility that the grant of this application may have a significant effect on the environment.

Citizens Utilities Company has committed to advance the funds necessary to construct and operate the new facilities until the operation is capable of generating its own internal funding. A condensed balance sheet as of December 31, 1988 shows total assets of \$2,388,677. The first and fifth year estimated operating results show a \$400 loss the first year based on an estimated 100 customers and a profit of \$38,014 in the fifth year based on an estimated 500 customers.

Applicant proposes to use the same rates and charges for service on the new facilities as those described in its presently effective tariff sheets.

Applicant is subject to the fee system, as set forth in Public Utilities 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 one percent 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 radiotelephone utility within Fresno County.
2. Copies of the application have been served on the city 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 has been received.

4. The proposed service will be operated by a utility with considerable experience in the radiotelephone industry.

5. Applicant has a Federal Communications Commission 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 convenience and necessity require the granting of this application.

Conclusions of Law

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

2. The application should be granted.

3. The user fee for the 1989-90 fiscal year should be one-tenth of one percent of revenue.

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 AAlert Paging Company of San Francisco (applicant) to construct and operate a public utility one-way and two-way radiotelephone system with a base station at Fresno, 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 use its existing tariffs on file with the Commission in rendering service authorized by this order.

4. Applicant shall file, after the effective date of this order, 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 records 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 Public Utilities Code § 401 et seq.

9. The corporate identification number assigned to AAlert Paging Company of San Francisco is U-2085-C and shall 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 Public Utilities 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 SEP 7 1989, at San Francisco, California.

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

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

WESLEY FRANKLIN, Acting Executive Director