

Decision 89 09 083

SEP 27 1989

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 AAlert Paging Company of San Diego)
 (U-2086-C), a California corporation,))
 for a certificate of public)
 convenience and necessity to)
 construct and operate additional)
 radio-telephone utility facilities)
 pursuant to Section 1001, et. seq.,)
 of the California Public Utilities)
 Code.)

Application 89-06-044
 (Filed June 23, 1989)

OPINION

AAlert Paging Company of San Diego (applicant), a California corporation, requests a certificate of public convenience and necessity to construct and operate additional one-way paging facilities in Corona, Malibu, Glendora, Running Springs, Palos Verde, San Diego (two locations), Oxnard, and La Jolla, California. Applicant attached a map of the proposed service area and engineering statements to the application as Exhibits B and C, respectively.

Copies of the application were served on required city and county governmental agencies within the proposed service area and on potential competitors listed on the service list attached to the application.

Notice of this application appeared on the Commission's Daily Calendar of June 28, 1989. No protests were received within the 30-day protest period.

Applicant is a wholly owned subsidiary of AAlert Paging Company which owns five other radiotelephone properties. AAlert Paging Company is a wholly owned subsidiary of Citizens Utilities Company. Applicant and its affiliates have operated numerous radiotelephone facilities in the state for a number of years.

Applicant requests permission to construct base station facilities at nine locations in the counties of Los Angeles, San Bernardino, San Diego and Ventura. The exact site locations appear in Appendix A.

Applicant attached to its application copies of the required FCC construction permits for the nine sites. (Exhibit D.)

The proposed additional facilities will be fully interconnected with applicant's existing one-way and two-way radiotelephone system to provide extended one-way paging service throughout the enlarged service area. Therefore, technical feasibility is not in question.

The new base station(s) will be located in existing buildings and antennas added to existing towers. Therefore, it can be seen with certainty that there is no possibility that the granting of such an application may have a significant adverse effect upon the environment.

Applicant proposes to construct the base stations and maintain the system with applicant's own personnel. Applicant represents that it employs a full-time technical and engineering staff experienced in designing and constructing facilities as those proposed.

Applicant alleges that numerous existing subscribers have requested the proposed increase in service area. Several very large subscribers have stated that increased coverage is necessary for them to continue patronizing applicant's service. Applicant intends to meet the public's need and demand for wider one-way paging coverage. Therefore, enlarging applicant's service area is in the public interest.

Applicant intends to apply the existing tariff prices, terms and conditions for service within the additional service area. Applicant's existing tariffs have been approved under the Commission's rules, practices and procedures and are, therefore, reasonable.

Applicant estimates construction costs of \$200,000 for its proposed expansion. (Exhibit F.) These funds and operating capital for the system are to be provided by applicant's parent company, Citizens Utilities Company. Applicant attached to its application a copy of its 1988 balance sheet and profit and loss statement showing a net loss of \$165,181. (Exhibit E.) Applicant also attached the estimated revenue and expenses for the first and fifth year of operations. The first year of operations is estimated to result in a loss of \$78,000.

Upon request by the assigned Administrative Law Judge, applicant subsequently provided a copy of a letter of commitment by Citizens Utilities Company, guaranteeing all required funding for construction and operation of the proposed operations. The underwriting of losses by the parent company provides applicant with sufficient financial capability to construct and engage in the operations proposed.

Findings of Fact

1. Applicant requests a certificate to construct and operate additional radiotelephone facilities in the cities of Corona, Malibu, Glendora, Running Springs, Palos Verde, San Diego, Oxnard and La Jolla, California which are located in the counties of Los Angeles, San Bernardino, San Diego and Ventura. The exact site locations appear in Appendix A. Applicant requests this authority for the purpose of expanding its one-way communications system using radio frequency 931.9875 MHz.

2. Notice of this application appeared in the Commission's Daily Calendar of June 28, 1989.

3. No protests to this application were received.

4. Applicant possesses the requisite FCC construction permits for the nine sites listed in Appendix A.

5. Applicant presently operates a one-way and two-way radiotelephone system in the San Diego area; therefore, it

possesses adequate skill and experience to operate the proposed system.

6. The proposed operation is economically feasible.
7. The proposed operation is technically feasible.
8. The proposed base station antennae will be located on existing towers in existing antenna farms.
9. It can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.
10. Public convenience and necessity require the granting of authority to construct and operate the nine FCC-licensed facilities.
11. A public hearing is not necessary.

Conclusion of Law

Authority to construct and operate the nine FCC-licensed sites requested in this application should be granted.

Only the amount paid to the State for operating rights may be used in rate fixing. The state may grant any number of rights and may cancel or modify the monopoly features of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to AAlert Paging Company of San Diego (applicant) (U-2086-C), a California corporation, for the construction and operation of additional one-way radiotelephone facilities with base stations and service area locations as listed in Appendix A.
2. Within 30 days after this order is effective, 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 the service authorized containing rates, charges, and rules applicable to its radiotelephone services. The tariffs shall become effective on not less than 5 days' notice. The rates and charges shall be the same as for similar services that applicant provides under its existing tariffs on file with the Commission.

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 the provisions of Federal Communications Commission Rule 22.504, commonly known as the "Carey Report," and consistent with Exhibit B to A.89-06-026.

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. 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.

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

8. The corporate identification number assigned to AAlert Paging Company of San Diego is U-2086-C which shall be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

This order is effective today.

Dated SEP 27 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.

Wesley Franklin

WESLEY FRANKLIN, Acting Executive Director

JB

APPENDIX A

AAlert Paging Company of San Diego
A.89-06-044

Base station locations:

- (1) Santiago Peak, approximately 12 miles
S of Corona (Los Angeles), CA
(Lat. 33° 42' 28" N, Long. 117° 32' 00" W)
- (2) Saddle Peak, approximately 9.5 miles NW
of Malibu (Los Angeles), CA
(Lat. 34° 04' 35" N, Long. 118° 39' 27" W)
- (3) Sunset Peak, approximately 9 miles NE
of Glendora (Los Angeles), CA
(Lat. 34° 11' 17" N, Long. 117° 42' 16" W)
- (4) Heap's Peak, approximately 2 miles NW
of Running Springs (San Bernardino), CA
(Lat. 34° 14' 03" N, Long. 117° 08' 25" W)
- (5) Crest Road, San Pedro Hill, in the City
of Palos Verde (Los Angeles), CA
(Lat. 33° 45' 41" N, Long. 118° 21' 53" W)
- (6) Mt. San Miguel, approximately 5 miles S
of San Diego (San Diego), CA
(Lat. 32° 41' 49" N, Long. 116° 56' 09" W)
- (7) 3727 El Cajon Boulevard, San Diego, (San Diego), CA
(Lat. 32° 45' 18" N, Long. 117° 07' 44" W)
- (8) Mount Laguna, approximately 8 miles SE
of Oxnard (Ventura), CA
(Lat. 34° 06' 47" N, Long. 119° 03' 34" W)
- (9) 7955 La Jolla Shores, La Jolla (San Diego), CA
(Lat. 32° 51' 04" N, Long. 117° 15' 10" W)

Service areas: As shown in Exhibit B to application, A.89-06-044.

(END OF APPENDIX A)