

Decision 89 11 008 NOV 3 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
NORTH STATE COMMUNICATIONS, INC., )  
(U-2040-C), a California corporation )  
for a certificate of public conven- )  
ience and necessity to construct )  
additional Radiotelephone Utility )  
Facility pursuant to Section 1001 of )  
the Public Utilities Code. )

ORIGINAL

Application 89-07-036  
(Filed July 19, 1989)

OPINION

North State Communications, Inc. (applicant) is certificated to provide a wide range of paging services in the Sacramento area. It seeks a certificate of public convenience and necessity to construct additional paging facilities at existing antenna sites. These proposed facilities will extend applicant's service area, now centered on Sacramento, to include areas surrounding Oroville and Grass Valley.

It claims to have received numerous requests for service in these new areas from existing and prospective customers. It does not plan to change any tariffed prices or service conditions other than to offer a wider service area. The new facilities will cost approximately \$52,000. Its shareholders will provide the necessary cash.

The new antennas will be installed on existing towers located within existing antenna farms now occupied by other communications companies. Since there is no significant change in the use of these sites, applicant claims that there will be no environmental concerns.

Notice of the application was given by publication in the Commission's Daily Calendar on July 26, 1989. No protests have been received.

Based on the applicant's allegations, the Commission issues the following findings and conclusions.

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. It permits more efficient use of the frequencies assigned to applicant.
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. Applicant should be subject to the user fee as a percentage of gross intrastate revenue pursuant to PU Code §§ 431-435. The fee is currently 0.1% for the 1989-90 fiscal year.
3. As a telephone corporation operating as a telecommunications service supplier, applicant is subject to the 0.3% surcharge on gross intrastate revenues (other than from one-way radio paging) to fund Telecommunications Devices for the Deaf. This surcharge became effective on July 1, 1989 as set forth in Resolution T-13061 dated April 26, 1989 and issued pursuant to 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. North State Communications, Inc. (applicant) is authorized to construct the facilities described in the application for its use in providing paging services, and is granted a certificate of public convenience and necessity for such construction.

2. Applicant is authorized to file with the Commission after the effective date of this order, on not less than 20 days' notice to the public and Commission, a service area map describing its service area as expanded by the construction authorized herein. This filing shall comply with General Order (GO) Series 96. Applicant shall not operate the new facilities in public revenue service until the map is on file.

3. Applicant shall be subject to the provisions of GO 96-A including Sections IV, V, and VI, as revised in D.88-05-067.

4. The certificate of public convenience and necessity granted by this order shall expire within 12 months after the effective date of this order if applicant has not filed tariffs and commenced public revenue service using the new facilities by that date.

5. Within 20 days after this order is effective, applicant shall file a written acceptance of the certificate granted in this proceeding.

This order is effective today.

Dated NOV 3 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.

- 4 -

*Wesley Franklin*  
WESLEY FRANKLIN, Acting Executive Director  
*pe*

Based on the applicant's allegations, the Commission issues the following findings and conclusions.

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. It permits more efficient use of the frequencies assigned to applicant.
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. Applicant is subject to the user fee required by PU Code §§ 431-435. The fee is currently 0.1% of gross intrastate revenue for the 1989-90 fiscal year.
3. As a telephone corporation operating as a telecommunications service supplier, applicant is subject to the 0.370% surcharge on gross intrastate revenues to fund Telecommunications Devices for the Deaf. This surcharge became effective on July 1, 1989 as set forth in Resolution T-13061 dated April 26, 1989 and issued pursuant to 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.