

Decision 89 11 014 NOV 3 1989

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Cook Telecom, Inc. of Fresno)
(U-2099-C) for a certificate of)
public convenience to extend a radio)
telephone utility system in Kern,)
Mariposa, and Tulare Counties.)

Application 89-08-036
(Filed August 21, 1989)

ORIGINAL

OPINION

Cook Telecom, Inc. of Fresno (applicant) requests a certificate of public convenience and necessity to construct and operate extensions of its one-way radio telephone utility (RTU) facilities in Kern, Mariposa, and Tulare Counties, pursuant to Public Utilities Code § 1001. A map showing applicant's proposed composite service area and engineering statements are attached to the application as Exhibits A and B, respectively.

Copies of the application have been served on the cities and counties within applicant's proposed service territory and on other entities with which applicant's proposed service may compete, as listed in the certificate of service attached to the application. However, in lieu of the entire engineering study, attached to the original of the application as Exhibit B, applicant included in each copy of the application only the first page and terrain and contour data sheet for each site. Copies of Exhibit B will be forwarded to any interested party upon request. Applicant requests a waiver of Rule 7 of the Commission's Rules of Practice and Procedure which requires copies to conform to the original application.

The application was noticed on the Commission's Daily Calendar on August 29, 1989. No protests to the application have been received and a public hearing is not necessary.

Applicant is a certificated RTU and provides one-way paging services in Fresno, Madera, Merced, San Joaquin, Tulare, Stanislaus, and Tuolumne Counties. Applicant has Federal Communications Commission (FCC) construction permits for five additional paging transmitters, Exhibit C to the application.

Applicant represents that the proposed extension will offer residents of the area an alternative to other paging services and provide the public with more opportunity for selecting paging service of a quality and coverage area which best fits their particular needs. The proposed services will dovetail with applicant's present service and will include some regionalized voice message paging and extended area tone only, numeric display and alphanumeric display paging.

Applicant estimates that the total capital requirement for the proposed facilities will be \$89,656. The combined system is expected to generate a \$67,000 loss in the first year of operation and should produce an annual profit of \$112,000 by the fifth year of operation, after income taxes.

Applicant's majority shareholder is committed to provide the necessary funds to construct and operate the proposed facilities, Exhibit F to the application. By reference to Application (A.) 87-10-015, applicant shows that its majority shareholder has sufficient funds to construct and operate the proposed facilities with a net worth of approximately \$12,700,000.

Applicant indicates that the proposed facilities will be installed 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 this application may have a significant effect on the environment.

The rates to be charged for the proposed service are the same rates and charges for similar service that applicant presently has on file with the Commission.

Findings of Fact

1. Applicant requests a certificate of public convenience and necessity to construct and operate an extension of its one-way paging system in Kern, Mariposa, and Tulare Counties.
2. Copies of the application were served on the cities and counties within applicant's proposed service territory and on other entities with which applicant's proposed service is likely to compete.
3. Notice of the application appeared in the Commission's Daily Calendar of August 29, 1989.
4. No protests to the application have been received.
5. Applicant possesses the requisite FCC construction permits for the five new base station sites.
6. Applicant is a certificated RTU.
7. The proposed operation is technically feasible.
8. The proposed operation is economically feasible.
9. It can be seen with certainty that there is no possibility that the granting of this application may have a significant effect on the environment.
10. Public convenience and necessity require the granting of this application.
11. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted.
2. Waiver of Rule 7 of the Commission's Rules of Practice and Procedure should be granted.
3. Applicant is subject to the user fee required by PU Code §§ 431-435.

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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Cook Telecom, Inc. of Fresno (applicant) to construct and operate an extension to its public utility one-way radiotelephone system with additional base stations and an expanded service area as follows:

Additional Base Station Locations:

- a. Bullion Mountain, 7 miles northwest of Mariposa.
(Lat. 37° 32' 20" N, Long. 120° 03' 34" W)
- b. 400 California Street, Bakersfield.
(Lat. 35° 22' 08" N, Long. 119° 00' 14" W)
- c. Hatchet Peak, 1.7 miles northwest of Springville.
(Lat. 36° 09' 05" N, Long. 118° 50' 00" W)
- d. 152 South Canby Street, Tulare.
(Lat. 36° 12' 34" N, Long. 119° 19' 23" W)
- e. Hillcrest Peak, 6.5 miles east of McKittrick.
(Lat. 35° 17' 17" N, Long. 119° 30' 35" W)

Expanded Service area: As shown in Exhibit A to
A.89-08-036.

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, revised tariffs to effect the authorized system expansion. The tariff revisions shall include a revised preliminary statement expanding Section A, Territory Served by Utility, and Section G, Base Station Facilities, to include the additional areas to be served and the new base stations; and a revised engineered service area map,

consistent with Exhibit A to A.89-08-036. 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 presently has on file with the Commission.

4. Applicant shall notify the Director of the Commission Advisory and Compliance Division in writing of the date service is first rendered to the public as authorized herein, within 5 days after service begins.

5. Rule 7 of the Commission's Rules of Practice and Procedure, which requires copies of the application to conform to the original application, is waived for this application only.

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.

This order becomes effective 30 days from today.

Dated NOV 3 1989, at San Francisco, California.

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

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

Wesley Franklin

- 5 - WESLEY FRANKLIN, Acting Executive Director

Findings of Fact

1. Applicant requests a certificate of public convenience and necessity to construct and operate an extension of its one-way paging system in Kern, Mariposa, and Tulare Counties.

2. Copies of the application were served on the cities and counties within applicant's proposed service territory and on other entities with which applicant's proposed service is likely to compete.

3. Notice of the application appeared in the Commission's Daily Calendar of August 29, 1989.

4. No protests to the application have been received.

5. Applicant possesses the requisite FCC construction permits for the five new base station sites.

6. Applicant is a certificated RTU.

7. The proposed operation is technically feasible.

8. The proposed operation is economically feasible.

9. It can be seen with certainty that there is no possibility that the granting of this application may have a significant effect on the environment.

10. Public convenience and necessity require the granting of this application.

11. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted.

2. Waiver of Rule 7 of the Commission's Rules of Practice and Procedure 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.