

Decision 90 02 031 FEB 23 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
American Paging, Inc. (of California))
(U-2001-C), a California corporation,)
for a certificate of public)
convenience and necessity to)
construct and operate additional)
sites in order to expand its two-)
way paging telephone service and)
one-way paging service for the)
Stockton area.)

ORIGINAL

Application 89-11-004
(Filed November 1, 1989)

O P I N I O N

American Paging, Inc. (applicant) requests a certificate of public convenience and necessity to construct and operate additional radiotelephone utility (RTU) facilities in the Stockton area of San Joaquin County, pursuant to Public Utilities Code (PU Code) § 1001. Engineering statements and a map identifying applicant's expanded service territory are attached to the application as Exhibits B and C, 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 service is likely to compete, as listed in the certificate of service attached to the application. Notice of the application appeared in the Commission's Daily Calendar of November 13, 1989. No protests to the application have been received; therefore, a public hearing is not necessary.

Applicant possesses the requisite Federal Communications Commission (FCC) permit for an additional transmitter located in Stockton on a frequency of 454.5750 megahertz, Exhibit A to the application.

Applicant, a wholly-owned subsidiary of Telephone and Data Systems (TDS), is a certified RTU which provides one-way and two-way RTU services in San Francisco/Santa Rosa/Berkeley, San Jose, San Diego, and Sacramento.

Applicant represents that the requested expansion will benefit its present customers because applicant will be able to link its Sacramento service territory with its Stockton service territory and improve signal reliability on the fringes of its present service territory. Applicant estimates that 400 customers will subscribe to the proposed service in the first year. Therefore, applicant believes that a public need and demand exists for its proposed service.

Applicant estimates that the total capital requirement for the proposed facilities will be \$20,000 and that the ongoing operating expenses will be approximately \$360 per month. Applicant believes that the proposed extension is economically feasible, in light of the modest cost.

Applicant intends to finance the cost of of the expansion through internal capital. If necessary, applicant's parent, TDS, will make available up to \$50,000 for the construction and initial operation of the facility, as indicated in Exhibit D. TDS' unaudited balance sheet for the six months ended June 30, 1989 indicates \$33,689,901 in retained earnings, clearly sufficient to support the \$50,000 commitment to applicant.

The proposed facilities will be located at an existing building; the two-foot long antenna will be located on a 300 foot high building whose overall height will not be increased because of the existence of other radio equipment of other common carriers located on the building whose height exceeds applicant's antenna. Therefore, it can be seen with certainty that there is not any possibility that the grant of this application may have a significant effect on the environment.

The rates to be charged for applicant's services are the same rates and charges for similar services that applicant presently has on file with the Commission for the Sacramento area.

Findings of Fact

1. Applicant requests a certificate of public convenience and necessity to construct and operate additional RTU facilities.
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 November 13, 1989.
4. No protests to the application have been received.
5. Applicant possesses the requisite FCC permits.
6. Applicant is a certified RTU.
7. Public convenience and necessity require the granting of this application.
8. The proposed operation is technically feasible.
9. The proposed operation is economically feasible.
10. It can be seen with certainty that there is no possibility that the grant of this application may have a significant effect on the environment.

Conclusion of Law

The 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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to American Paging, Inc. (applicant) to construct and operate a public utility one-way and two-way radiotelephone system with a base station and service area as follows:

Base Station location: 242 North Sutter Avenue, Stockton. (Lat. 37° 57' 16" N, Long. 121° 17' 12" W)

Service area: As shown in Exhibit C to Application (A.) 89-11-004.

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 has 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 (FCC) Rule 22.504, commonly known as the "Carey Report", and consistent with Exhibit C to A.89-11-004.

5. Applicant shall notify the Commission's 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. The corporate identification number assigned to American Paging, Inc. is U-2001-C which should be included in the caption of all original filings with this Commission and in the titles of other pleadings filed in existing cases.

7. 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.

8. 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 FEB 23 1990, at San Francisco, California.

G. MITCHELL WALK

President

FREDERICK R. DUDA

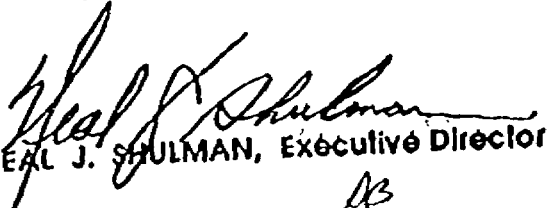
STANLEY W. HULETT

JOHN B. CHANIAN

PATRICIA M. ECKERT

Commissioners

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


NEAL J. SHULMAN, Executive Director