

Decision 90 03 004 MAR 12 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Comtech Mobile  
Telephone Company to transfer and  
GTE Mobilnet of California, Inc.  
to acquire certain assets of  
Comtech Mobile Telephone Company.

ORIGINAL  
Application 90-02-006  
(Filed February 2, 1990)

O P I N I O N

This decision grants the joint application of Comtech Mobile Telephone Company (Comtech) and GTE Mobilnet of California, Inc. (GTEM-CA) to transfer certain assets from Comtech to GTEM-CA. The application was filed on February 2, 1990. Copies of the application were sent to competing carriers. No protests to the application have been received; therefore, a public hearing is not necessary.

GTEM-CA and Comtech are resellers of cellular radio telecommunications services. Both operate under Commission authority in areas throughout California. By this application, Comtech and GTEM-CA seek authority to transfer a portion of Comtech's Los Angeles and San Diego subscriber accounts to GTEM-CA. Under the terms of the agreement, GTEM-CA will pay \$550 per subscriber who is unrelated to an agent or is related to either a non-exclusive agent or a San Diego agent, and \$575 per subscriber who is related to an exclusive agent. The transfer is made, according to the application, because Comtech needs additional funds and GTEM-CA desires to expand its investment and scope of services.

Because the proposed transfer involves only the transfer of existing customer accounts, and the application does not propose any new construction or relocation of facilities, it can be seen with certainty that the proposed transfer will not have an adverse impact on the environment.

D.86-08-057, modified by D.87-10-035, delegated authority to the Executive Director to grant noncontroversial applications by nondominant carriers for authority to transfer assets or control under Public Utilities (PU) Code Sections 851-855. This application is not controversial. GTEM-CA has the capability to provide services to the customers whose accounts are to be transferred to it. Both Comtech and GTEM-CA are nondominant carriers. Accordingly, the application should be granted and the Executive Director is within his authority to grant it.

Findings of Fact

1. Comtech and GTEM-CA are nondominant carriers providing resale of cellular services in California.
2. GTEM-CA seeks to purchase certain of Comtech's customer accounts in the San Diego area.
3. No protest to this application has been filed.

Conclusions of Law

1. D.86-08-057, modified by D.87-10-035, delegated authority to the Executive Director to grant applications filed by nondominant telecommunications carriers for transfers of assets or control under PU Code §§ 851-855.
2. The application should be granted.
3. This authority is not a finding of value of the rights and properties to be transferred.

O R D E R

IT IS ORDERED that:

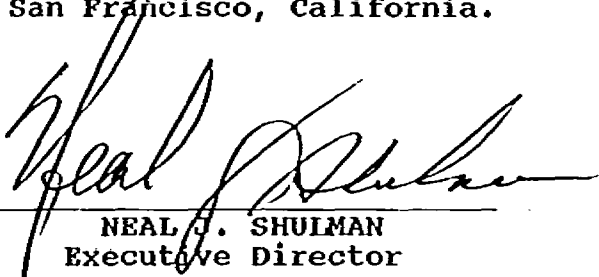
1. On or after the effective date of this order, Comtech Mobile Telephone Company (Comtech) may transfer to GTE Mobilnet of California, Inc. (GTEM-CA) the customer accounts identified in this joint application, and in accordance with the terms of the application.

2. Comtech and GTEM-CA shall inform the Telecommunications Branch of the Commission Advisory and Compliance Division in writing of the actual transfer date as authorized herein, within 5 days after the transfer is completed. A copy of the transfer documents shall be attached.

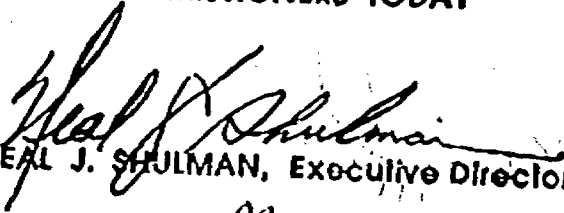
3. The authority granted in Ordering Paragraph 1 will expire if not exercised within 12 months after the effective date of this order.

This order is effective today.

Dated MAR 12 1990, at San Francisco, California.

  
NEAL J. SHULMAN  
Executive Director

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

  
NEAL J. SHULMAN, Executive Director  
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