

Decision 90 04 009 APR 11 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Pactel Mobile Services (U-4023-C),)
 a California corporation, and)
 Sacramento-Valley Limited)
 Partnership (U-3004-C), a California)
 partnership, for authority to)
 transfer assets used in transferor's)
 cellular resale business in the)
 greater Sacramento area and for)
 authority for transferor to withdraw)
 from the cellular resale business in)
 the Greater Sacramento-Valley area.)

ORIGINAL

Application 90-01-015
(Filed January 9, 1990)

O P I N I O N

Pactel Mobile Services (Pactel) seeks authority to sell and Sacramento-Valley Limited Partnership (Partnership) seeks authority to acquire certain assets, including the customer base of Pactel's cellular resale business in the greater Sacramento area pursuant to Public Utilities Code § 851.

In support of the application, Pactel and Partnership allege:

1. Pactel is a California corporation and has been certificated by this Commission to provide domestic public land mobile cellular services on both a resale and wholesale basis in the state of California. Pactel now provides such services to approximately 26,500 cellular telephone numbers in the greater Sacramento area.
2. Partnership is a California partnership certificated by this Commission to provide cellular service in the greater Sacramento area.
3. A copy of the purchase agreement dated October 26, 1989, between Pactel and Partnership detailing the terms of the transaction and the property to be transferred was submitted as

Exhibit A to the application. Pursuant to the agreement, Partnership agreed to acquire Pactel's resale accounts for an amount equal to \$110 per cellular telephone number with payment to be made on January 1, 1990, or the date the Commission approved the transaction, whichever is later. The purchase price is to be adjusted for other items, including Pactel's accounts receivable, as of the closing date.

4. The transaction is in the public interest as Pactel desires to withdraw from the resale business in the greater Sacramento area and it is important for its customers to obtain continuous service. Partnership is qualified and willing to provide such continuous service and intends to remain active in the greater Sacramento area for the indefinite future.

5. The tariffs to be filed by Partnership upon approval of this application are essentially the same as the currently effective tariffs of Pactel in the greater Sacramento area.

6. Pactel and Partnership have served a copy of the application, with supporting exhibits, on all persons and entities with which Pactel and Partnership do or will compete.

7. No environmental assessment is necessary under Rule 17.1 because no construction whatsoever is contemplated on account of this agreement.

Partnership is not presently authorized to provide retail service in California at the present time. Partnership has filed a Petition for Modification of Decision (D.) 85-05-041 requesting reinstatement of its originally certificated authority to provide retail service in the greater Sacramento area. The decision authorizing the Petition for Modification will be made effective on the same date that the transfer sought in this proceeding will be made effective.

The application was noticed on the Commission's Daily Calendar on January 12, 1990. No protests to the application have been received and a public hearing is not necessary.

Findings of Fact

1. Pactel has a certificate to provide resale cellular services in California.

2. Partnership has a certificate to provide wholesale cellular services in the greater Sacramento area. Partnership has filed a Petition for Modification of D.85-05-041 for reinstatement of its authority to provide retail service in the greater Sacramento area.

3. Pactel and Partnership have entered in an agreement to transfer the customer base and certain assets of Pactel's cellular resale business to Partnership.

4. This authorization is not a finding of the value of the rights and properties to be transferred.

5. Notice of the application appeared on the Commission's Daily Calendar of January 12, 1990. No protests to the application have been received.

6. A public hearing is not necessary.

Conclusion of Law

The proposed transfer is in the public interest and should be authorized.

O R D E R

IT IS ORDERED that:

1. Pactel Mobile Services (Pactel) is authorized to transfer certain assets and the customer base of its cellular resale business in the greater Sacramento area to Sacramento-Valley Limited Partnership (Partnership), pursuant to the purchase agreement set forth as Exhibit A to Application 90-01-015.

2. Upon completion of the transfer, Pactel is authorized to withdraw from the cellular resale business in the greater Sacramento area and to file revised tariff sheets effecting this

cancellation of service. Such revised tariff sheets shall become effective on five days' notice.

3. Within 30 days of the completion of the transfer, Partnership shall notify in writing the Chief of the Telecommunications Branch of the Commission Advisory and Compliance Division of the completion.

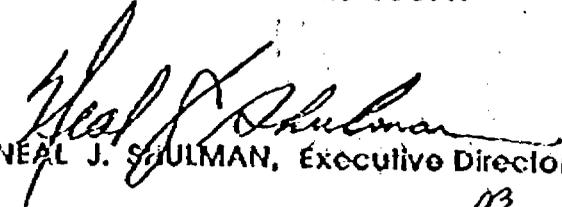
4. The authority to transfer will expire if not exercised within 12 months after the effective date of this order.

This order becomes effective 30 days from today.

Dated APR 11 1990, 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


NEAL J. SCHULMAN, Executive Director
JB