

Decision 90 04 011 APR 11 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA.

In the Matter of the Application of )  
Cook Telecom, Inc. of San Francisco )  
(U-2096-C) for a certificate of )  
public convenience to extend a radio )  
telephone utility system in )  
Calaveras, Fresno, Mariposa, )  
Monterey, and San Benito Counties. )

ORIGINAL

Application 89-10-049  
(Filed October 31, 1989)

O P I N I O N

Cook Telecom, Inc. of San Francisco (applicant) requests a certificate of public convenience and necessity (CPC&N) to construct and operate extensions of its one-way radiotelephone utility (RTU) facilities in Calaveras, Fresno, Mariposa, Monterey, and San Benito 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 the terrain and contour data sheet for each site. Applicant indicates that 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 November 13, 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 Alameda, Contra Costa, Marin, Napa, Nevada, Placer, Sacramento, San Mateo, San Francisco, San Joaquin, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Sutter, Yolo, and Yuba Counties.

Applicant proposes to construct new base station facilities at 17 additional locations. Applicant has Federal Communications Commission (FCC) construction permits for ten additional paging transmitter stations, received reports showing acceptance for filing by the FCC of applications for construction permits for five transmitter stations, and filed applications for construction permits for the other two transmitter stations, Exhibit C to the application. Applicant indicates that copies of the construction permits for transmitter stations that currently do not have FCC construction permits will be submitted to the Commission upon receipt from the FCC.

Applicant represents that a part of the proposed extension will be used to enhance reliable coverage in the San Francisco Bay/Sacramento markets, thereby providing a more dependable and improved grade of service to existing and future customers in those areas. The remaining proposed stations will be deployed to extend coverage into contiguous areas including Salinas Valley and Central California. Current trends point to the need for additional coverage of this integrated Northern California market.

Applicant estimates that the total capital requirement for the proposed facilities will be \$244,599. The system additions are expected to generate a \$41,000 incremental loss in the first year of operation and produce an incremental profit of \$151,000 by the fifth year of operation, before 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. In Application (A.) 87-10-015, applicant demonstrates 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 adverse effect on the environment. We will require applicant to send a copy of this decision to all affected local permitting agencies.

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 CPC&N to construct and operate an extension of its one-way RTU paging system in Calaveras, Fresno, Mariposa, Monterey, and San Benito 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 November 13, 1989.
4. No protests to the application have been received.
5. Applicant possesses the requisite FCC construction permits for ten new base station sites. Applicant has received FCC acceptance for filing of applications for construction permits for five new base station sites and has filed applications for construction permits with the FCC for two 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 (CPC&N) is granted to Cook Telecom, Inc. of San Francisco (applicant) to construct and operate an extension to its public utility one-way radiotelephone system with additional base stations as identified in Appendices A and B to this order and an expanded service area as shown on Exhibit A to A.89-10-049.
2. The CPC&N granted in Ordering Paragraph 1 for the base stations identified on Appendix B shall be conditioned upon applicant's written demonstration to the Director of the Commission Advisory and Compliance Division (CACD) that applicant possesses

the requisite Federal Communications Commission (FCC) construction permits.

3. Within 30 days after this order is effective, applicant shall file a written acceptance of the certificate granted in this proceeding.

4. Applicant is authorized to file, after the effective date of this order and in compliance with General Order 96-A, revised tariffs for its Northern California system 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.89-10-049. The tariffs shall become effective on not less than five days' notice. The rates and charges shall be the same as for similar services that applicant presently has on file with the Commission.

5. Applicant shall notify the Director of CACD in writing of the date service is first rendered to the public as authorized herein, within five days after service begins.

6. 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.

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.

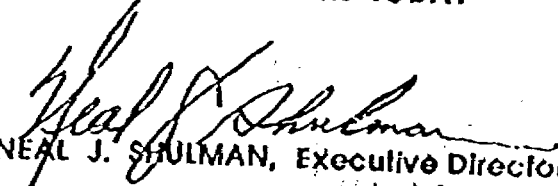
8. Applicant shall send a copy of this decision to concerned local permitting agencies not later than 30 days from today.

This order becomes effective 30 days from today.

Dated 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. SHULMAN, Executive Director  
11/03

APPENDIX A

- a. Sugarloaf Mountain, 5 miles ESE of Napa.  
(Lat. 38° 15' 51" N, Long. 122° 12' 57" W)
- b. Mt. Veeder, 3.5 miles east of Glen Ellen.  
(Lat. 38° 22' 23" N, Long. 122° 27' 44" W)
- c. 1210 East Kentucky Avenue, Woodland.  
(Lat. 38° 41' 28" N, Long. 121° 45' 42" W)
- d. Chantry Hill, 0.4 miles east of Newcastle.  
(Lat. 38° 52' 33" N, Long. 121° 07' 33" W)
- e. Mt. Jackson, 2.5 miles northwest of Hacienda.  
(Lat. 38° 32' 24" N, Long. 122° 57' 36" W)
- f. Pine Hill, 3 miles north of Cameron Park.  
(Lat. 38° 43' 10" N, Long. 120° 59' 23" W)
- g. Bear Mountain, 6 miles southwest of San Andreas.  
(Lat. 38° 07' 07" N, Long. 120° 43' 23" W)
- h. Bear Mountain, 2 miles west of Squaw Valley, Fresno County.  
(Lat. 36° 44' 36" N, Long. 119° 16' 57" W)
- i. Joaquin Ridge, 12 miles north of Coalinga.  
(Lat. 36° 18' 10" N, Long. 120° 24' 03" W)
- j. Bald Mountain, 0.7 miles south of Meadow Lakes.  
(Lat. 37° 04' 10" N, Long. 119° 25' 39" W)

(END OF APPENDIX A)

APPENDIX B

- a. Sutter Buttes, 4.5 miles northwest of Sutter.  
(Lat. 39° 12' 21" N, Long. 121° 49' 11" W)
- b. Bullion Mountain, 7 miles northwest of Mariposa.  
(Lat. 37° 32' 20" N, Long. 120° 03' 34" W)
- c. Reed Tower, 928 12th Street, Modesto.  
(Lat. 37° 38' 30" N, Long. 120° 59' 51" W)
- d. Golden State Plaza, 2220 Tulare Avenue, Fresno.  
(Lat. 36° 44' 10" N, Long. 119° 47' 08" W)
- e. Mt. Toro, 10 miles SSE of Salinas.  
(Lat. 36° 32' 06" N, Long. 121° 37' 10" W)
- f. Fremont Peak, 10 miles northeast of Salinas.  
(Lat. 36° 45' 23" N, Long. 121° 30' 05" W)
- g. Panoche Ridge, 38 miles WSW of Firebaugh.  
(Lat. 36° 43' 32" N, Long. 120° 45' 49" W)

(END OF APPENDIX B)