

ORIGINAL

Decision 90 06 035 JUN 12 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of EVANS TELEPHONE)
 COMPANY (U 1008 C) for authority)
 to transfer utility assets used in)
 operation of Improved Mobile)
 Telephone System serving portions)
 of Stanislaus County, and)
 application of AALERT PAGING)
 COMPANY OF SAN FRANCISCO (U 2085 C))
 to amend its Certificate of Public)
 Convenience and Necessity to expand)
 its service area to serve portions)
 of Stanislaus and Merced Counties.)

Application 90-03-025
(Filed March 20, 1990)

O P I N I O N

Applicants, Evans Telephone Company (Evans) and AAlert Paging Company of San Francisco (AAlert), jointly request authority to transfer certain radiotelephone utility (RTU) assets from Evans to AAlert pursuant to Public Utilities (PU) Code §§ 851 et seq. AAlert seeks to add the territory which Evans is authorized to serve to its service territory.

Notice of the filing of this application appeared in the Commission's Daily Calendar of March 23, 1990. No protests have been received; therefore, a public hearing is not necessary.

Evans is a local exchange telephone company authorized to provide improved mobile telephone service (IMTS) to portions of Stanislaus and Merced Counties on frequencies 152.75 MHz and 454.425 MHz.

AAlert is a RTU authorized to provide paging and IMTS services to customers in the San Francisco Bay Area.

Evans has agreed to sell and AAlert has agreed to purchase Evans facilities, customers, and Federal Communications Commission license to provide IMTS.

The application alleges that the proposed transactions are in the public interest because Evans has determined that it cannot economically serve the few customers who have subscribed to its IMTS. It will however be technically and economically feasible for AAlert to expand its system to provide service to those customers.

Exhibits A attached to the application is AAlert's proposed service area map showing the portions of Stanislaus and Merced Counties in which AAlert proposes to offer IMTS and which, therefore, AAlert asks be added to the service area authorized in its Certificate of Public Convenience and Necessity.

The property proposed to be transferred by Evans includes the items of equipment described in Exhibit B attached to the application, a Federal Communications Commission license, and all information relevant to the customers' subscriptions. The aggregate net book cost of the property proposed to be transferred by Evans is \$51,264.35. Exhibit C attached to the application is a copy of the letter evidencing the agreement between Evans and AAlert. Exhibit D attached to the application is a copy of the FCC order authorizing Evans to transfer its license for both frequencies to AAlert.

AAlert proposed to adopt the same rates that Evans currently charges. AAlert's proposed revised tariff is attached to the application as Exhibit E.

AAlert does not propose to undertake any new construction in connection with the acquisition and operation of the IMTS properties which are the subject of this application. Therefore, it can be seen with certainty that there is no possibility that the subject transaction may have a significant adverse effect on the environment. There are no known matters connected with the transaction proposed in this application which occurred or were

proposed subsequent to the period covered by the last previous annual reports filed pursuant to General Order (GO) 104-A by AAlert.

Exhibit F attached to the application is a copy of a balance sheet and income statement for Evans. Exhibit G attached to the application is a copy of a balance sheet and income statement for AAlert.

Findings of Fact

1. Applicants request authority to transfer certain assets from Evans to AAlert.
2. Notice of the application appeared in the Commission's Daily Calendar of March 23, 1990.
3. No protests to the application have been received.
4. Evans is a local exchange telephone system authorized to provide IMTS.
5. AAlert is a certificated RTU.
6. Evans' existing customers will not be impacted by the transfer.
7. AAlert will expand its service area to offer RTU services to Evans' customers.
8. AAlert proposes to adopt the same rates that Evans currently charges.
9. It can be seen with certainty that the proposed transfer will not have an adverse impact on the environment.
10. Ordering Paragraph 1 of Decision 87-10-035 provides in part that:

"...permit the Executive Director to grant noncontroversial applications by nondominant telecommunications carriers and radiotelephone utilities for authority to transfer assets or control under §§ 851-855 of the PU Code."

Conclusion of Law

The application should be granted.

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

ORDER

IT IS ORDERED that:

1. On or after the effective date of this order, Evans Telephone Company (Evans) may transfer to AAlert Paging Company of San Francisco (AAlert) the operating authority and operating properties for telephone service described in the application, and in accordance with the terms of the application.

2. AAlert shall inform the Commission Advisory and Compliance Division Director 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 corporate identification number assigned to Evans is U-1008-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.

4. The corporate identification number assigned to AAlert is U-2085-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.

5. AAlert is authorized to file with the Commission after the effective date of this order, on not less than 15 days' notice to the public and the Commission the tariff schedules covering the service being acquired from Evans. Service may not be offered until tariffs are on file. This filing shall comply with GO 96, except that, applicant is authorized to employ the alternative method of page numbering described in Commission Resolutions U-275 and T-4886 at its election. The tariff shall provide for a user

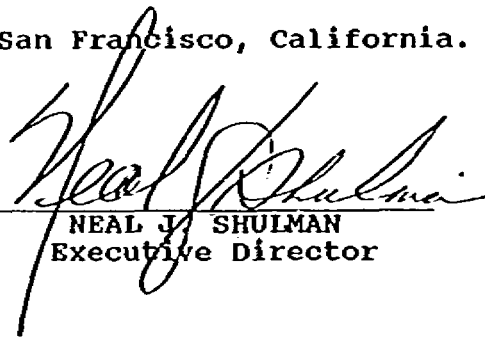
fee surcharge of 0.10%. Failure to file the tariff may result in revocation of the authority granted here.

6. Concurrent with the tariff filings authorized by Ordering Paragraph 5, Evans shall cancel its IMTS tariff, on not less than 15 day's notice to the public.

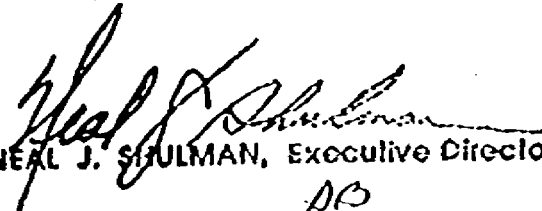
7. The authority granted in Ordering Paragraph 1 will expire if not exercised within 12 months after the effective date of this order.

This order is effective today.

Dated JUN 13 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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