

Decision 90 06 038 JUN 15 1990

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Alfred L. and Sheryl Beauvais, dba)
American Beeper Company, and)
Jeanette Lipton, dba Valley Voice)
Paging (U-2063), pursuant to)
Section 851 through 854 of the)
Public Utilities Code seeking)
approval for American Beeper Company)
to acquire certain assets of)
Jeanette Lipton, dba Valley Voice)
Paging.)

Application 90-02-061
(Filed February 26, 1990)

O P I N I O N

Applicants Alfred L. and Sheryl Beauvais, doing business as American Beeper Company (American), and Jeanette Lipton, an individual, doing business as Valley Voice Paging (Valley Voice), jointly request authority to transfer certain radiotelephone utility (RTU) assets from Valley Voice to American, pursuant to Public Utilities (PU) Code §§ 851 et seq.

Specifically, applicants seek approval for American to acquire from Valley Voice substantially all of the properties and assets associated with Valley Voice's 35.62 MHz radio paging system authorized to operate in the San Fernando Valley area. Among the property and assets included in this transaction are the Federal Communications Commission and California Public Utilities Commission licenses authorizing the subject paging service, as well as all terminals, transmitters, site leases, control links, all component parts associated with any of the above, and all contract and contract rights, including equipment warranties, relating to the subject service. As of the date of closing, Valley Voice will have five transmitters operating in the Los Angeles area, all of which are to be transferred to American in this transaction. In

return, American will pay Valley Voice \$15,000 and assume responsibility for obligations of Valley Voice amounting to approximately \$37,500.

Notice of the filing of the application appeared in the Commission's Daily Calendar of March 2, 1990. No protests to the application have been received; therefore, a public hearing is not necessary.

Valley Voice holds a certificate authorizing RTU operations in and around the San Fernando Valley area. The certificate was granted by Decision (D.) 83-12-058 in Application 82-06-31.

The application alleges that American was formed in March of 1987 to provide paging service to the commercial and consumer public in the Southern California area as an agent for certain RTU.

American presently has approximately 3,000 pagers in service throughout the Southern California Counties of San Diego, Riverside, Orange, San Bernardino, and Los Angeles. American is presently offering its customers a wide range of paging services, including basic tone paging, digital equipment with phone number display, alphanumeric with message display, tone and voice paging, and voice mail. Utilizing the services of its overlying certificated carriers, American is able to provide its customers with service throughout a broad and densely populated geographic area.

In addition to the Beauvais', American's staff includes two employees who handle accounting, billing, customer service, and walk-in sales. It also maintains a five-person sales staff and a sales manager.

Overall management of the company resides in Alfred Beauvais who, along with his wife Sheryl, founded the company in 1987. Mr. Beauvais has been engaged in the paging business for over 15 years. Prior to founding American, Mr. Beauvais was employed by Graphics Scanning Corporation, a large paging company,

as its Western Regional Vice President with responsibility for acquisitions and development of cellular telephone facilities. Before that, he spent five years as regional manager for MCI, before that he was a general manager for Western Union - Paging Division. Mr. Beauvais has substantial experience in the telecommunications industry, making his company well qualified to assume control of Valley Voice's business.

Applicant's latest available balance sheet and profit and loss statement reflecting its operations through October of 1989 are attached to the application as Exhibit 1.

Also attached to the application, as Exhibit 2, is the personal financial statement of Alfred and Sheryl Beauvais which reflects their ability to provide American with additional capitabilization should that be required to enable applicant to accomplish the proposed transfer and conduct operations thereafter.

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

Findings of Fact

1. Applicants request authority to transfer certain RTU assets from Valley Voice to American.
2. Notice of the application appeared in the commission's Daily Calendar of March 2, 1990.
3. No protests to the application have been received.
4. Valley Voice's existing customers will not be impacted by the transfer.
5. It can be seen with certainty that the proposed transfer will not have an adverse impact on the environment.
6. Ordering Paragraph 1 of D.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.

O R D E R

IT IS ORDERED that:

1. On or after the effective date of this order, Jeanette Lipton, dba Valley Voice Paging (Valley Voice), may transfer to Alfred L. and Sheryl Beauvais, dba American Beeper Company (American), the operating authority and operating properties for radiotelephone service described in the application, and in accordance with the terms of the application. ✓

2. The authority granted in Ordering Paragraph 1 shall be conditioned upon Valley Voice and American demonstrating to the Commission Advisory and Compliance Division (CACD) Director in writing that the Federal Communications Commission permits for the frequencies identified in the application have been transferred from Valley Voice to American.

3. American shall inform the CACD 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. Prior to transfer, American shall file complete tariffs, effective on not less than five days notice to the public, reflecting the proposed rates in Exhibit 8 of its application. The tariffs shall conform to the requirements of our General Order 96-A.

4. The corporate identification number assigned to Valley Voice is U-2063-C which should be included in the caption of all

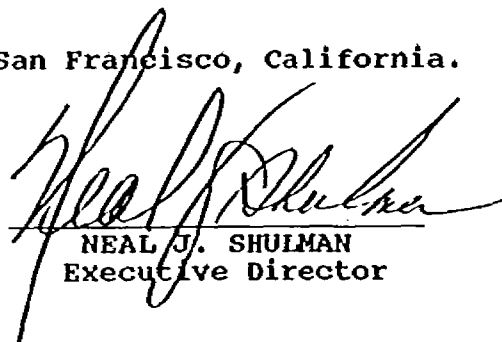
original filings with this Commission, and in the titles of other pleadings filed in existing cases.

5. The corporate identification number assigned to American is U-2121-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.

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

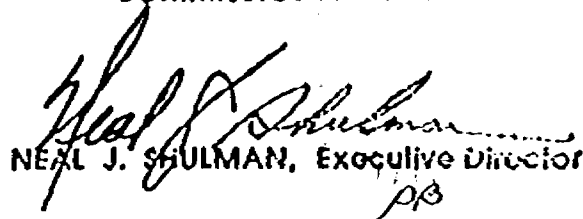
This order is effective today.

Dated JUN 15 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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