

Decision 90 06 047 JUN 20 1990

ORIGINAL

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
SIGNAL ONE PAGING, INC. for a)
certificate of public convenience)
and necessity to provide radio-)
telephone utility paging service in)
various California locations.)

Application 90-03-026
(Filed March 21, 1990)

O P I N I O N

Signal One Paging, Inc. (applicant) requests a certificate of public convenience and necessity (CPC&N) to construct and operate one-way paging transmission facilities, pursuant to Public Utilities (PU) Code §§ 1001 et seq.

Applicant proposes to operate one-way paging transmission facilities from six locations in San Diego County, California and has already received such authority from the Federal Communications Commission (FCC) as to one of these locations, which has been designated as station number KNKI 931 in downtown San Diego. Applicant is in the process of obtaining FCC authorization for the remaining five installations. Under the provisions of PU Code §§ 1001 et seq., applicant now seeks authority to provide one-way paging services in and around San Diego County and to construct on the sites listed below:

1. Station KNKI 931 located at latitude 32-43-05N latitude and longitude 117-09-32W, on 530 B Street, San Diego.
2. Mt. Soledad at 32-50-17N latitude and 117-14-56W longitude near La Jolla.
3. Mt. San Miguel, located at 32-41-47N latitude and 116-56-06W longitude approximately 12 miles southeast of San Diego.

4. Mt. Woodson at 33-00-34N latitude and 116-58-11W longitude about five miles northeast of Poway.
5. San Marcos Mountain at 33-12-53N latitude and 117-11-15W longitude about three miles east of Vista.
6. 33-12-27N latitude and 117-23-19W longitude on 1200 Harbor Drive North, Oceanside.

All of the above sites are located at existing communications facilities where no new construction will be required, and where, to the best of applicant's information and belief, local permits have been obtained. The single possible exception relates to the 530 B Street, San Diego site where a 15-foot antenna needs to be added on the roof of an existing structure. At the remaining five locations existing towers will be used. Applicant assumes the obligation of obtaining all permits from the responsible local authorities. Accordingly, applicant believes that it may be seen with certainty that there is no projectwide environmental impact (or, indeed, local impact) requiring this Commission to act as lead agency under the provisions of Rule 17.1.

Attached to the application as Exhibit H is a projected financial statement depicting applicant's anticipated income and expenses from its proposed San Diego paging operation. The projection covers a five-year timeframe, demonstrates a positive cash flow in the second year. First year capital expenditures are \$515,000 and consist of transmitters, antennae, a switch, and paging equipment. Applicant believes that it is adequately capitalized to finance initial construction, as well as the negative cash flow projected for the first year of operation.

Also, attached to the application as Exhibit I are applicant's proposed tariffs for digital display, alpha numeric, tone only, and tone and voice paging offerings.

Applicant points out that the number of paging units in California has steadily increased in the past 15 years, and the rapid population increase of San Diego County bolsters the case for quality paging services in that area. Thus applicant represents that a public need and demand exists.

Copies of the application have been served on cities and counties within the proposed service territory and on other entities with which the proposed service is likely to compete. Notice of this application appeared in the Commission's Daily Calendar of March 21, 1990. No protests to this application have been received, therefore a public hearing is not necessary.

Findings of Fact

1. Applicant requests a CPC&N to construct and operate six one-way paging transmission facilities from six locations in San Diego County.
2. Copies of the application have been served on the cities and counties within the proposed service territory and on other entities with which the proposed service is likely to compete.
3. Applicant did file copies of its proposed tariffs with its application.
4. Notice of the application appeared on the Commission's Daily Calendar of March 21, 1990.
5. No protests to the application have been received.
6. Applicant possesses the requisite FCC permit for one facility and expects to receive the other five.
7. The proposed operation is technically feasible.
8. The proposed operation is economically feasible.
9. Except for a 15-foot antenna to be added to the roof of an existing structure at the 530 B Street site, no new construction will be required at the other sites.
10. Applicant agrees that it will obtain all local permits and authorizations.

11. It can be seen with reasonable certainty that there is no possibility that the granting of this application may have a significant effect on the environment.

12. Public convenience and necessity require the granting of this application.

13. A public hearing is not necessary.

Conclusion of Law

The application should be granted subject to applicant obtaining all local permits and authorizations.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is issued to Signal One Paging, Inc. (applicant) to construct and operate six one-way paging transmission facilities at the six locations in San Diego County described in this decision.

2. Applicant or the owner of the land shall obtain all necessary local permits and authorizations before commencing construction at any of the six locations.

3. Applicant shall provide a copy of this decision to all local permitting agencies not later than 30 days from today.

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

5. Applicant is authorized to file, after the effective date of this order in compliance with General Order 96-A, tariffs applicable to the service authorized containing rates, charges, and rules applicable to its radiotelephone services. The tariffs shall become effective on not less than 5 days' notice. The rates and

charges shall be the same as for similar services that applicant has on file with the Commission.

6. Applicant shall file as part of its individual tariff, after the effective date of this order and, consistent with Ordering Paragraph 5, an engineered service area map drawn in conformity with Federal Communications Commission (FCC) Rule 22.504(b)(2), consistent with its proposed service area as shown on the map in Exhibit E attached to the application.

7. Applicant shall notify the Commission Advisory and Compliance Division Director in writing of the date service is first rendered to the public as authorized herein, within 5 days after service begins.

8. The corporate identification number assigned to Signal One Paging, Inc. is U-2119-C which shall be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

9. 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.

10. Within 60 days of the effective date of this order, applicant shall comply with PU Code § 708, Employee Identification Cards, and notify, in writing, the Chief of the Telecommunications Branch of the Commission Advisory and Compliance Division of compliance.

11. This certificate is granted subject to applicant obtaining FCC authorization and all local permits and authorizations.

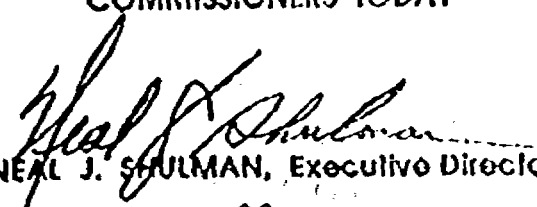
This order is effective today.

Dated JUN 20 1990, at San Francisco, California.

FREDERICK R. DUDA
STANLEY W. HULETT
JOHN B. OHANIAN
PATRICIA M. ECKERT
Commissioners

President G. Mitchell Wilk,
being necessarily absent, did
not participate.

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


NEAL J. SHULMAN, Executive Director
NS