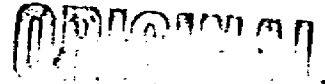


ALJ/K.W/jt

Decision 90 07 033 JUL 6 1990



BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of ROBERT DEATES, dba RPD)
COMMUNICATIONS (I.D. No. U-2103-C),)
and FRED DANIEL, dba ORION TELECOM)
(I.D. No. U-2098-C), for authority)
to sell and purchase assets used)
in seller's radiotelephone business.)

Application 90-05-006
(Filed May 2, 1990)

O P I N I O N

In this decision we grant authority to Robert Deates, as RPD Communications, to sell and to Fred Daniel, as Orion Telecom, to acquire the assets and subscriber base constituting RPD Communications.

The application appeared in the Commission's Daily Calendar on May 8, 1990. No protests were received. A public hearing is not necessary.

Deates (seller) is a sole proprietor certificated by this Commission to provide one-way paging and two-way mobile telecommunications service in southern California. Daniel (buyer) is also a certificated sole proprietor providing identical service in San Bernardino, California. Seller wishes to cease his operations in California and remove to the State of Oregon.

The assets to be transferred consist of radio station KNKJ395 (transmitter, receiver, control terminal, antennas, and feed line, Federal Communications Commission (FCC) authorization, Public Utilities Commission authorization) located at Alta Loma, California, and seller's customer base. The agreed purchase price is \$7,000.

Buyer has assets of \$310,824 as of March 31, 1990 and proposes to serve the acquired customers under buyer's tariffs which are in all material respects the same as seller's.

Purchaser's qualifications as a radiotelephone utility (RTU) operator are a matter of record as established in Decision (D.) 88-04-011. The FCC consented to the transfer of authority from seller to buyer on March 15, 1990.

Because no construction is contemplated, it can be seen with certainty that this application is not a project which may possibly have an adverse impact on the environment.

This transfer is in the public interest since it will result in the continued operation of the service.

This application should be approved by the Executive Director pursuant to D.87-10-035 which authorizes him to approve noncontroversial applications by RTUs.

Findings of Fact

1. Applicants propose to transfer Deates' paging and radio telecommunications operations to Daniel.
2. No protest has been filed; the matter is not controversial and no public hearing is required.
3. Daniel is financially able to provide the service and is qualified to operate an RTU.
4. Deates' customers will not be subject to substantial changes in rates or services.
5. It can be seen with certainty that the proposed transfer is not a project which could possibly have an adverse impact on the environment.
6. The application for transfer is in the public interest.

Conclusions of Law

1. The application should be granted.
2. This authority is not a finding of the value of rights and property to be transferred.

ORDER

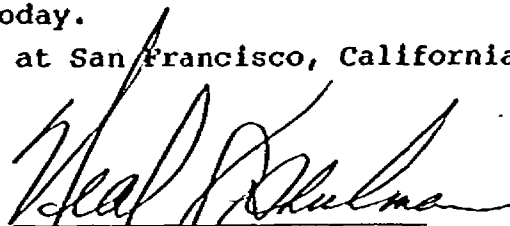
IT IS ORDERED that:

1. On or after the effective date of this order Robert Deates may transfer to Fred Daniel his radiotelephone utility operations in accord with the terms described in the application.
2. Deates and Daniel shall notify the affected customers of the transfer in writing, within 21 days from the effective date of this decision.
3. Daniel shall inform the Commission Advisory and Compliance Division Director in writing of the actual transfer date as authorized herein, within 10 days after the transfer from Deates. A true copy of the transfer documents shall be attached to the written notification.
4. Daniel is authorized to file, after the effective date of this order and in compliance with General Order 96-A, tariff sheets consistent with Deates' current tariffed rate structure and shall be applicable to all customers transferred from Deates.
5. Within 90 days after transfer, Deates shall file with the Commission, in the prescribed form, an annual report on its operations from the first day of the current year through the effective date of the transfer.
6. When the authorized transfer is completed and the conditions of this order are fulfilled, Deates shall be relieved of its public utility obligations for the transferred system and its Corporate Identification No. U-2103-C shall be abrogated. Deates shall also file an advice letter in compliance with General Order 96-A canceling the tariffs of RPD Communications.
7. Daniel shall use his existing Corporate Identification No. U-2098-C in connection with the certificate or authority issued in this proceeding. The number shall appear in the caption of all original pleadings, in the titles of pleadings, and in the title of pleadings filed in existing cases with the Commission.

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

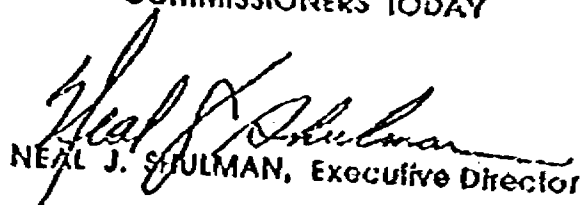
This order is effective today.

Dated JUL 6 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
09