

Decision 90 09 075 SEP 25 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Aalert Paging Company of San)
Francisco (U-2085-C), a California)
corporation, for a certificate of)
public convenience and necessity to)
construct additional radiotelephone)
utility facility pursuant to Section)
1001 of the Public Utilities Code.)

ORIGINAL

Application 90-06-006
(Filed June 1, 1990)

O P I N I O N

With this decision, we grant a certificate of public convenience and necessity to Aalert Paging Company of San Francisco (applicant) for the installation of additional facilities and the operation of radiotelephone service in 12 counties in northern California.

The matter was noticed in Commission Daily Calendar on June 8, 1990. No protests have been filed. A public hearing is not necessary.

Applicant is a presently certificated radiotelephone utility providing one-way paging and two-way radiotelephone service in the vicinities of Santa Rosa, Salinas, Monterey, Fresno, and in the San Francisco Bay region. Applicant is a wholly owned subsidiary of Aalert Paging Company which is in turn wholly owned by Citizens Utilities Company. By the authority granted in Decision 86-05-020 applicant's fitness to serve as radiotelephone utility is a matter of record.

Applicant proposes to improve its existing service with the addition of 18 antenna installations resulting in more

continuous service area coverage.¹ The proposal would result in virtually continuous service over an area extending from Santa Rosa in the north, Modesto to the east, and Carmel in the south. Each of the 18 proposed facilities would utilize existing antenna structures and buildings. The sites are listed in Appendix A attached to this decision.

Applicant cites numerous requests from its existing customers for more extensive coverage as evidence of the need for its proposal. The new service would be made available under applicant's existing tariffs, terms, and conditions of service without change.

The application contains engineering data sufficient to demonstrate the technical feasibility of its proposal. The estimated total construction cost is \$450,000 to be funded by applicant's cash and by applicant's parent company. Anticipated revenues and expenses are \$108,000 and \$91,260, respectively, in its first year of operation and \$972,000 and \$604,260, respectively, in its fifth year of operation. Applicant's December 31, 1989 balance sheet shows total assets of \$3,022,834 and total equity and liabilities of \$3,843,151. Applicant's results of operations for 1989 show a 1989 pretax net operating loss of \$68,947. Applicant states that it has sufficient cash to carry out the service expansion. Applicant has included the required conflict of interest disclosure under General Order 104-A.

¹ Aalert Paging of Sacramento filed a similar application, Application 90-06-005, for 12 additional service facility sites. Both these applications in conjunction with existing Aalert services would appear to extend coverage throughout the north central portion of the state.

Applicant has been granted Federal Communications Commission (FCC) authority to construct all of the 18 sites² and has served copies of its application on 39 radiotelephone utilities and other parties. Applicant has also served copies of its application on 12 counties in the proposed service area.

Applicant requested a waiver of the requirement in Rule 18(b) of serving a copy of the application on all cities within the area served. Following the suggestion of the administrative law judge, applicant provided the cities copies of the application and withdrew the request for a waiver.

Each of the 18 proposed radiotelephone sites will utilize existing communications antenna structures. As these reflect only minor additions to existing structures, the proposed project is categorically exempt from the requirements of preparing an environmental impact report. (State CEQA Guidelines Sections 15301 and 15303.)

Applicant should be subject to the fee system, as set forth in Public Utilities (PU) Code § 401 et seq., which is used to fund the cost of regulating common carriers and businesses related thereto and public utilities. Appropriate tariff rules should be incorporated in applicant's tariff rules for the imposition of this surcharge. Applicant is not subject to a rate recovery mechanism for deaf and disabled program costs since it is a one-way paging service specifically exempted by PU Code § 2881(d).

Findings of Fact

1. Applicant requests a certificate of public convenience and necessity to construct and operate radiotelephone utility

² Applicant filed an addendum to its application providing copies of FCC construction permits which had been granted but not issued at the time the application was filed.

facilities for one-way paging services in and around the locations listed in Appendix A attached to this decision.

2. Copies of the application were served on the cities and counties within the proposed service areas and on all utilities and other entities with which the applicant's proposed service is likely to compete.

3. Notice of this application appeared on the Commission's Daily Calendar of June 8, 1990.

4. No protests to the application were received.

5. Applicant has been granted all of the requisite FCC construction permits.

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

7. The proposed operation is technically feasible.

8. The proposed operation is economically feasible.

9. The proposed transmitters and antennae will be located on existing towers, the heights of which will not be increased.

10. Applicant is subject to the user fee system as set forth in PU Code § 401 et seq.

11. Applicant states that it has no reportable interests as required by Rule 18(i).

12. Applicant is not subject to assessment for a share of program costs for the deaf and disabled.

13. A public hearing is not necessary.

Conclusions of Law

1. The application should be granted.

2. The user fee for the 1990-91 fiscal year should be 0.10% of the revenue subject to the fee.

3. The proposal is categorically exempt from the reporting requirements of the California Environmental Quality Act under Sections 15301 and 15303 of the State CEQA Guidelines.

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

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Aalert Paging Company of San Francisco (applicant) to construct and operate a public utility one-way radiotelephone system with additional transmitter locations and service areas as identified in Appendix A.

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

3. Applicant is authorized to file, after the effective date of this order and 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, charges, and rules shall be the same as those for its present paging services.

4. Applicant shall file as part of its individual tariff, after the effective date of this order and consistent with Ordering Paragraph 3, engineered service area maps drawn in conformity with the provision of Federal Communications Commission Rule 22.504, commonly known as the "Carey Report," and consistent with Exhibits 3, 5, 6, and 8 in Application 90-06-006.

5. 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.

6. Applicant is subject to the user fee as a percentage of gross intrastate revenue under Public Utilities Code § 401 et seq.

7. The certificate granted and the authority to render service under the rates, charges, and rules authorized will expire if the certificate is not exercised within 12 months from today.

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

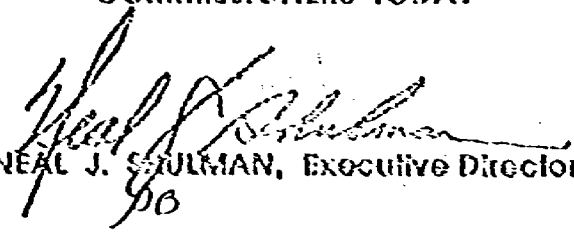
This order is effective today.

Dated SEP 25 1990, at San Francisco, California.

G. MITCHELL WILK
President
FREDERICK R. DUDA
STANLEY W. HULETT
PATRICIA M. ECKERT
Commissioners

Commissioner John B. Ohanian,
being necessarily absent, did
not participate.

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


NEAL J. SCHULMAN, Executive Director

APPENDIX A

<u>Service Area</u>	<u>Location</u>	<u>Longitude/Latitude</u>
1. Vacaville	Mix Canyon Road	N 38° 24' 59" W 122° 05' 41"
2. Novato	Big Rock Ridge	N 38° 03' 33" W 122° 36' 16"
3. Mt. Tamalpais	Near San Rafael	N 37° 55' 44" W 122° 35' 11"
4. Grizzley	Near Berkeley	N 37° 52' 56" W 122° 13' 50"
5. Mt. Diablo	Near Danville	N 37° 52' 54" W 121° 55' 05"
6. Oakland	Mose Wood Building	N 37° 49' 24" W 122° 15' 32"
7. San Francisco	1 La Avanzada	N 37° 45' 20" W 122° 27' 05"
8. San Bruno	Near Daly City	N 37° 41' 22" W 122° 26' 10"
9. Sunol Ridge	Near Niles	N 37° 37' 12" W 121° 55' 17"
10. Palo Alto	525 University Ave.	N 37° 26' 56" W 122° 09' 30"
11. Santa Rosa	Mt. Barham	N 38° 30' 31" W 122° 39' 41"
12. Lodi	321 N. California St.	N 38° 08' 20" W 121° 16' 49"
13. Stockton	5323 E. Carpenter Rd.	N 37° 55' 54" W 121° 12' 32"
14. Modesto	McHenry Ave./Crawford Rd.	N 37° 43' 05" W 120° 59' 41"
15. Fresno	2014 Tulare Street	N 36° 44' 05" W 119° 47' 24"
16. Morgan Hill	Hwy. 101/Cochran Road	N 37° 08' 41" W 121° 08' 41"
17. Fremont Peak	Near Salinas	N 36° 45' 22" W 121° 30' 05"
18. Carmel	Hidden Hills Site	N 36° 33' 12" W 121° 49' 05"

(END OF APPENDIX A)