

ALJ/K.W/gn

Decision 90 09 076 SEP. 25 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application  
of Aalert Paging Company of  
Sacramento (U-2084-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 90-06-005  
(Filed June 1, 1990)

O P I N I O N

With this decision, we grant a certificate of public convenience and necessity (CPCN) to Aalert Paging Company of Sacramento (applicant) for the installation of facilities and the operation of radiotelephone service in 7 counties in northern California.

The matter was noticed in Commission's 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 vicinity of Oroville, Grass Valley, Placerville, Sacramento, Monterey, Fresno, and Stockton. Applicant is a wholly owned subsidiary of Aalert Paging Company, which is wholly owned by Citizens Utilities Company. By the authority granted in Decision (D.) 86-05-019, applicant's fitness to serve as radiotelephone utility (RTU) is a matter of record.

Applicant proposes to improve its existing service with the addition of 12 antenna installations resulting in continuous service coverage an area extending from Woodland in the west to

South Lake Tahoe in the east and additional coverage in Chico.<sup>1</sup> Each of the 12 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 \$300,000 to be funded by applicant's cash and by applicant's parent company. Anticipated revenues and expenses are \$72,000 and \$60,840, respectively, in its first year of operation and \$648,000 and \$245,160, respectively, in its fifth year of operation. Applicant's December 31, 1989 balance sheet shows total assets of \$683,155 and total liabilities of \$390,530 not including shareholder equity. Applicant's results of operations for 1989 show a 1989 pretax net operating loss of \$48,476. 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.

Applicant served copies of its application on 39 radiotelephone utilities and other parties. Applicant also served copies of its application on seven counties in the proposed service area.

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<sup>1</sup> Aalert Paging of San Francisco filed a similar application (A.) 90-06-006 for 18 additional service facility sites. Both these applications in conjunction with existing Aalert service would appear to extend coverage throughout the north central portion of the state.

Applicant has received authority from the FCC for construction of all but two of the proposed facility sites. In a separate motion, applicant requests a waiver of Rule 18(o)(1) which requires that FCC authority be granted prior to filing a CPCN application. We have granted waivers of the rule in similar situations where to do so would expedite noncontroversial RTU applications (see D.90-03-010 and D.90-06-029). We will grant the waiver of Rule 18(o)(1) but will require the applicant to file copies of the permits when received.

Applicant also requests a full 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 with copies of the application and withdrew the request for a waiver of Rule 18(b).

Each of the 12 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

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 but two 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 .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.

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

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 Sacramento (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. Applicant shall submit, to the Director of the Commission Advisory and Compliance Division (CACD), two copies of the Federal Communications Commission (FCC) construction permit within 30 days of when it is obtained from the FCC for the two locations in this application for which one was not already filed. CACD will place one copy in the formal file for this application.

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

4. 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.

5. Applicant shall file as part of its individual tariff, after the effective date of this order and consistent with Ordering Paragraph 4, engineered service area maps drawn in conformity with

the provision of FCC Rule 22.504, commonly known as the "Carey Report", and consistent with Exhibits 3, 5, 6, and 8 in Application 90-06-005.

6. Applicant shall notify the CACD Director in writing of the date service is first rendered to the public as authorized herein, within 5 days after service begins.

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

8. The certificate granted and the authority to render service under the rates, charges, and rules authorized will expire if applicant has not filed all FCC construction permits required in Ordering Paragraph 3 within 180 days of the effective date of this order, or if the certificate is not exercised within 12 months from today.

9. 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.

## APPENDIX A

<u>Service Area</u>	<u>Location</u>	<u>Longitude/Latitude</u>
1. Carmichael	5831 Rosebud Lane	N 38° 40' 22" W 121° 19' 52"
2. Wolf Mtn.	Near Grass Valley	N 39° 08' 01" W 121° 05' 58"
3. Camino	3405 Carson Ct.	N 38° 44' 18" W 120° 42' 06"
4. Elk Grove	8220 Florin Rd.	N 38° 27' 31" W 121° 22' 16"
5. Elberta	KXPR Tower	N 38° 42' 38" W 121° 28' 54"
6. Marysville	423 4th Street	N 39° 08' 26" W 121° 35' 21"
7. Sacramento	3502 Kroby Way	N 38° 32' 36" W 121° 25' 41"
8. Roseville	749 Berry Street	N 38° 45' 44" W 121° 15' 55"
9. Chico	KHSL Tower	N 39° 57' 30" W 121° 42' 48"
10. South Lake Tahoe	4724 Saddle Road	N 38° 56' 33" W 119° 56' 13"
11. Emigrant Gap	1 Nyack Road	N 39° 19' 25" W 120° 36' 15"
12. Woodland	Hwys 29/102	N 38° 35' 20" W 122° 43' 30"

(END OF APPENDIX A)