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Decision 90-12-002 December 6, 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Shu Hwa Chen dba ROBO CELLULAR,)
for a Certificate of Public)
Convenience and Necessity to)
Operate as a Reseller of)
Radiotelephone Service in)
California.)

ORIGINAL
Application 90-10-036
(Filed October 5, 1990)

O P I N I O N

This is an application in which Shu Hwa Chen (applicant), doing business as ROBO CELLULAR, seeks a certificate of public convenience and necessity to operate as a reseller of cellular radio telecommunications services.

Notice of the filing of the application appeared in the Commission's Daily Calendar of October 22, 1990. There are no protests.

The Commission makes the following findings and conclusion.

Findings of Fact

1. A public hearing is not necessary in this matter.
2. Applicant is an individual with his principal place of business in Gardena, California.
3. Applicant makes no representations concerning his education, his work experience, or his ability to conduct the business of a reseller of cellular services.
4. Applicant proposes to operate as a resale carrier of cellular radiotelephone service at any location in California and initially in the Los Angeles CGSA and contiguous CGSAs. Initially, it proposes to resell service purchased from the applicable wholesale cellular carrier at the carrier's published wholesale rates.

applicant's customers. Compliance with these provisions may increase applicant's costs and impede competition.

10. Exemption from the provisions of PU Code §§ 816-830 has been granted to other resellers (e.g., D.86-10-007 and D.88-12-076).

11. Applicant's proposed resale of cellular service will enhance competition in the cellular retail market and may result in providing lower priced service, increased ability of customers to choose among service providers and a wide variety of service packages, and increase use of the existing facilities of the underlying carriers resulting in greater efficiency.

12. Public convenience and necessity require that the application be granted.

13. Applicant did not file proposed tariff pages with its application. It is reasonable to require that the initial tariffs filed by applicant be filed on not less than 15 days' notice before they become effective to allow time for appropriate review by the Commission Advisory and Compliance Division and other interested parties. This is consistent with our treatment to other resellers (e.g. D.89-05-006).

14. Sections IV, V, and VI of General Order 96-A relate to filed and effective dates, procedures, and the filing of tariff sheets which do not increase rates or charges, as well as procedures and filings to increase rates. In general, these provisions require a showing before this Commission justifying any increase and provide in the case of cellular resellers that rates will become effective 30 days after filing tariff sheets which do not increase rates or 30 days after filing an authorized increase unless Commission authorization for a shorter period is obtained.

15. Applicant should be subject to the user fee as a percentage of gross intrastate revenue pursuant to PU Code §§ 431-435. The fee is currently 0.1% for the 1990-91 fiscal year.

fee surcharge of 0.10%. Failure to file the tariff may result in revocation of the authority granted here.

3. Applicant is subject to the provisions of GO 96-A including Section IV, V, and VI as revised in D.88-05-067.

4. Applicant is subject to the user fee as a percentage of gross intrastate revenue pursuant to PU Code §§ 431-435.

5. Applicant is subject to the three tenths of one percent (0.3%) surcharge on gross intrastate revenues to fund Telecommunications Devices for the Deaf.

6. Applicant is exempted from the provisions of §§ 816-830.

7. The corporate identification number assigned to applicant is U-4098-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.

8. 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.

9. The certificate of public convenience and necessity granted by this order shall expire with 12 months after the effective date of this order if applicant has not filed tariffs and commenced operations by that date.