

Decision 90-12-030 December 6, 1990

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of ALLCITY PAGING, INC.)
(U-2090-C), a California corporation,)
for a certificate of public)
convenience and necessity to)
construct and operate a one-way)
paging service for Contra Costa,)
Monterey, San Francisco, Marin,)
Alameda, Fresno, Sacramento, and)
San Mateo Counties, California.)

ORIGINAL

Application 90-10-012
(Filed October 4, 1990)

O P I N I O N

In this application Allcity Paging, Inc. (Allcity), seeks a certificate of public convenience and necessity authorizing it to provide one-way paging service and to construct eight paging facility sites in Contra Costa, Monterey, San Francisco, Marin, Alameda, Fresno, Sacramento, and San Mateo Counties.

Notice of this application appeared in the Commission's Daily Calendar on October 4, 1990, and copies of the application were served on 26 potentially interested parties and on 14 cities and counties in the contemplated service area. No protests have been received. A public hearing is not necessary.

Allcity is a California corporation which currently serves as an agent for Mobile Communications Corporation of America and for Mobilefone, Inc. Allcity also currently provides one-way paging service in eight southern California counties under authority granted by this Commission in Decision (D.) 87-05-017.

Allcity possesses permits to construct the system issued by the Federal Communications Commission (FCC). Allcity includes in its application technical data sufficient to demonstrate the

feasibility of the proposed service. The radio-paging sites are designed to operate automatically and will be serviced and maintained by Allcity's contractor, Mobile Radio Engineers of San Francisco. Allcity estimates its total capital expenditure will be \$400,000.

Allcity estimates that it will earn pretax profits of \$181,700 at the close of its first year of operations and \$445,000 by the end of its fifth year. Allcity proposes to charge a \$10 service establishment fee and monthly rates ranging from \$5 for tone-only paging to \$17 for one-way voice messaging. Allcity's balance sheet of May 31, 1990 shows assets and liabilities of \$4,842,677. Allcity's pretax income for the 6-month period ending May 31, 1990, was \$85,990. Allcity offers evidence of a \$4,000,000 line of credit with Associates Capital Bank and a letter of intent from that institution stating that it will finance the construction of the proposed service.

Allcity believes that substantial demand exists for the proposed service based on the demographic and economic studies. Allcity will offer service on an areawide basis with its existing service in southern California and will encourage full utilization of the available radio spectrum. As further evidence of the demand for and quality of Allcity's service, Allcity submits that its existing paging service has grown to over 30,000 pagers in service in the three years since 1987.

Each of the eight proposed radio paging sites will involve the addition of one or more antennas to an existing telecommunications tower. No new site construction is proposed, and none is authorized by this decision. It follows that our consideration of this application is categorically exempt from the environmental impact reporting requirements of the California Environmental Quality Act (CEQA) pursuant to Sections 15301 and 15303 of the CEQA guidelines.

Allcity has demonstrated its fitness to operate as a radio-paging service. The public convenience and necessity require that this application be approved.

Findings of Fact

1. Allcity Paging, Inc. proposes to provide one-way paging service and to establish radio-paging facilities as shown in Appendix A attached to this decision.
2. Copies of the application were served on 14 cities and counties within the proposed service area and on 26 utilities and other entities with which Allcity's proposed service is likely to compete.
3. Notice of this application appeared on the Commission's Daily Calendar of October 4, 1990.
4. No protests to the application were received.
5. Allcity has been granted all of the requisite FCC construction permits.
6. The proposed operation is technically feasible.
7. The proposed operation is economically feasible.
8. The proposed transmitters and antennas will be located on existing towers, the heights of which will not be increased.
9. Allcity states that it has no reportable interests as required by Rule 18(i).
10. A public hearing is not necessary.
11. Public convenience and necessity require the granting of this application.

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 CEQA under Sections 15301 and 15303 of the State CEQA Guidelines.

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

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

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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Allcity Paging, Inc. (Allcity) 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, Allcity shall file a written acceptance of the certificate granted in this proceeding.

3. Allcity 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. Allcity 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 provisions of FCC Rule 22.504, commonly known as the "Carey Report", and consistent with Exhibits 3, 5, 6, and 8 in Application 90-10-012.

5. Allcity 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. Allcity shall be 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.

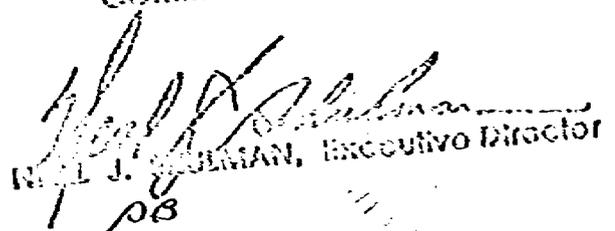
8. Allcity shall send a copy of this decision to concerned local permitting agencies not later than 30 days from the effective date of this order.

This order is effective today.

Dated December 6, 1990, at San Francisco, California.

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

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


NEIL J. OSHERMAN, Executive Director
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APPENDIX A

SERVICE AREAS: Contra Costa, Monterey, San Francisco,
Marin, Alameda, Fresno, Sacramento, and
San Mateo Counties and environs.

RADIO PAGING SITES:

1. Mt. Diablo at N 37° 52' 54"
(Walnut Creek) W 121° 55' 05"
2. Woodside at N 37° 24' 39"
W 122° 18' 20"
3. Monument Peak at N 37° 29' 23"
(Fremont) W 121° 51' 54"
4. Bear Mountain at N 36° 44' 43"
(Fresno County) W 119° 17' 01"
5. Sacramento at N 38° 34' 28"
W 121° 29' 27"
6. Salinas at N 36° 32' 05"
W 121° 37' 08"
7. Novato at N 38° 03' 34"
W 122° 36' 17"
8. San Francisco at N 36° 32' 05"
W 121° 37' 08"

(END OF APPENDIX A)