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Decision 91-04-007 April 10, 1991

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 90-12-055
(Filed December 19, 1990)

OPINION

AAlert Paging Company of Sacramento (applicant), a California corporation, seeks a certificate of public convenience and necessity (CPC&N) authorizing it to construct additional radiotelephone facilities on 931.9875 MHz. The proposed additional facilities will add coverage area to applicant's existing service area in the vicinity of north Lake Tahoe and Truckee. Applicant now provides one-way paging and two-way radiotelephone service to its subscribers within its existing authorized service area. That service area is located in and around the cities of Stockton, south Lake Tahoe, Sacramento, Woodland, Placerville, Marysville, Oroville, and Chico, and the Interstate 80 corridor between Sacramento and Donner Summit.

Applicant is a wholly owned subsidiary of AAlert Paging Company, which owns six other radiotelephone properties. AAlert Paging Company is a wholly owned subsidiary of Citizens Utilities Company (CUC). CUC is a highly respected corporation which owns telephone, gas, electric, and water utilities in many states, including California. Applicant is now certificated by this Commission to operate as a radiotelephone utility in the areas described above.

The proposed facilities are located where radio facilities already exist. Applicant's new antenna will be side-mounted on an existing steel tower and the transmitter will be housed in an existing building. The tower is located on Mount Pluto, which is east of north Lake Tahoe and south of Truckee.

The Federal Communications Commission (FCC) has authorized applicant to construct the additional radiotelephone facilities at Mount Pluto and has issued a construction permit. Applicant estimates the cost of construction at \$25,000. Applicant states that the proposed facilities will have no adverse impact on the environment.

Applicant alleges that it has received numerous requests from existing subscribers for the proposed increase in service area. Several large subscribers have stated that increased coverage is necessary for them to continue patronizing applicant's service. Applicant believes that the proposed facilities are in the public interest.

Applicant and its affiliates operate numerous radiotelephone facilities; and they have done so for a number of years. Applicant has a full-time technical and engineering staff that has designed and constructed facilities similar to those proposed throughout the western United States.

The environmental staff of the Commission Advisory and Compliance Division (CACD) has reviewed this application. It states that an environmental document will not be required in compliance with the California Environmental Quality Act of 1970 (CEQA) because the project is categorically exempt. We adopt CACD's conclusions. As a lead agency for this project, we conclude that, since the proposed construction involves minor alteration of existing facilities, the project should receive a categorical (Class 1) exemption from the Environmental Impact Report

Requirements of CEQA (Rule 17.1(h)(A)(2)). Applicant should comply with local permit requirements, if any.

Findings of Fact

1. Applicant is a telephone corporation certificated by the Commission to provide radiotelephone utility services at various locations, as specified above.

2. Applicant requests a CPC&N to construct and operate an additional radiotelephone facility at an existing telecommunication site on Mount Pluto near Lake Tahoe.

3. Applicant served a copy of its application on numerous potential competitors and other entities as specified in Exhibit G to the application. In addition, notice of the filing of the application appeared in the Daily Calendar on December 31, 1990. No protests have been filed. A public hearing is not necessary.

4. The proposed operation is technically and financially feasible.

5. The FCC has authorized applicant to construct the additional radiotelephone facilities at Mount Pluto to enable it to expand its service.

6. The proposed facility will be installed at a developed site with existing radio facilities.

Conclusions of Law

1. Applicant should be granted a CPC&N to extend its one-way paging service by constructing an additional radiotelephone facility at Mount Pluto.

2. The following order should be effective on the date the order is signed because public convenience and necessity require prompt construction of applicant's proposed additional radiotelephone facilities at the site identified in the application.

3. Applicant is subject to the user fee system set forth in PU Code § 401 et seq., specifically §§ 431-435. By Resolution M-4754, dated May 4, 1990, the fee level for fiscal year 1990-91

for telephone corporations was set at one-tenth of 1¢ (0.10¢) of intrastate revenues subject to the fee. Appropriate rules should be incorporated in applicant's tariff for the imposition of this surcharge.

4. The Commission is the lead agency in this matter.

5. The proposed construction is categorically exempt from the requirements of the CEQA.

6. No Negative Declaration or Environmental Impact Report is required (Rule 17.1(h) (A) (2)).

The State may grant any number of operative rights and may cancel or modify the monopoly feature of those rights at any time.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to AAlert Paging Company of Sacramento (applicant) to extend its one-way paging service in the area of north Lake Tahoe and Truckee and to construct an additional radiotelephone facility on Mount Pluto to provide extended service on 931.9875 MHz.

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 shall comply with the user fee requirements of PU Code § 401 et seq., §§ 431-435.

4. Applicant is authorized to file, after the effective date of this order, and in compliance with General Order 96-A, revised tariffs to reflect the expansion of its system. The tariffs shall include a preliminary statement revising the sections entitled Territory Served by Utility and Base Station Facilities, to include the additional area to be served and the new base station, and a revised service area map consistent with Exhibit C to this

application. The tariffs shall become effective on not less than 5 days' notice. The rates and charges shall be the same as for similar services that applicant now has on file with the Commission.

5. The certificate granted and the authority to render service under this order will expire if not exercised within 12 months after the effective date of this order.

6. Applicant shall provide a copy of this decision to all local permitting agencies not later than 30 days from the date of this order.

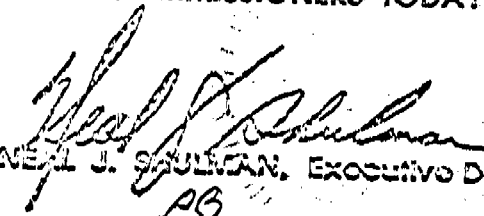
7. Applicant shall comply with local permit requirements, if any.

8. The application is granted as set forth above.
This order is effective today.

Dated April 10, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
DANIEL Wm. FESSLER
NORMAN D. SHUMWAY
Commissioners

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


NEAL J. SAULMAN, Executive Director
PB