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Decision 91-08-031 August 7, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 PAGING NETWORK OF LOS ANGELES, INC.)
 (U-2085-C), a Delaware corporation,)
 for a Certificate to Construct)
 additional Radiotelephone Utility)
 Facilities serving areas in and)
 around Yucca Valley and Twentynine)
 Palms, California, as may be re-)
 quired by Section 1001 et seq. of)
 the California Public Utilities)
 Code.)

ORIGINAL

Application 91-05-037
(Filed May 16, 1991)

OPINION

Statement of Facts and Discussion

Paging Network of Los Angeles, Inc. (PageNet LA), a Delaware corporation qualified to do business in California, with its principal place of business in Los Angeles, provides one-way paging service throughout its certificated service area which comprises most of the greater Los Angeles, Orange County, San Diego and Bakersfield area. PageNet LA is a wholly-owned subsidiary of Paging Network, Inc., also a Delaware corporation. Paging Network, Inc. was formed in September, 1981, for the purpose of developing a radio common carrier business. A sister company to PageNet LA, Paging Network of San Francisco, Inc., providing one-way paging throughout the greater San Francisco/San Jose/Sacramento area, is also wholly owned by Paging Network, Inc.

By this application PageNet LA seeks a certificate of public convenience and necessity authorizing the construction and operation, pursuant to Public Utilities Code § 1001, of additional paging and one-way radiotelephone utility facilities in areas in and around Yucca Valley and Twentynine Palms, California, with base station facilities at Paxton Hill (4 miles northeast of Yucca Valley) and Donnell Hill (1 mile west of Twentynine Palms).

Copies of the application were served on the City Clerk of Twentynine Palms, the County Clerk of San Bernardino County, and other entities with which the proposed extended service is likely to compete, as listed on the service list attached to the application.

Notice of the application appeared on the Commission's Daily Calendar of May 21, 1991. No protests to the application have been received; therefore, there is no need to hold a public hearing.

PageNet LA contends that the Federal Communications Commission (FCC), by granting numerous 900 megahertz (MHz) frequency applications, has conclusively established that there is an ever-increasing demand for paging service in California. PageNet LA submits that it can meet the service needs of this large market of potential users, and that addition of the facilities proposed by this application will substantially improve its existing service reliability on the fringes of its current service area as well as extend its coverage.

The capital requirement for the two base stations, including transmitters, antennas, transmission line, and related equipment, is estimated to be approximately \$60,000. The necessary funds will be supplied by PageNet LA's corporate parent, Paging Network, Inc., from an existing line of credit with First National Bank of Chicago and the Toronto-Dominion Bank, acting as agents for themselves and nine other financial institutions, and from funds generated from PageNet LA's existing operations.

The proposed new base stations are to be located on existing towers in existing antenna farms. Therefore, it can be seen with certainty that there is not any possibility that the proposed construction will result in a significant adverse effect on the environment.

PageNet LA has the requisite FCC construction permits, with date of required completion being November 27, 1991. The

construction and operation will be supervised by PageNet LA's Systems Manager, who holds a radiotelephone operator's license. Control of the stations will be provided by a new control station. Additionally, automatic alarms will provide immediate notification of certain technical failures. A 24-hour trouble reporting number will be provided to all subscribers, and response to system failures will be on a 24-hour, 7-day-per-week basis.

Maintenance and repair services are to be provided by PageNet LA's experienced technicians who will have access to the transmitter and control point at all times to perform routine maintenance and emergency repairs. During normal working hours, the technicians will be on duty at the control point; at other times, they will be on call.

PageNet LA requests that the decision be made effective on the date signed. Since no protests were received, the applicant is ready and willing to serve the public, and construction must be completed without delay to meet the FCC deadline, we will make the decision effective on the date signed.

Findings of Fact

1. PageNet LA is a radiotelephone utility authorized to provide public utility radiotelephone utility services within certain areas of California, and by this application seeks to extend such service in and around Yucca Valley and Twentynine Palms.
2. PageNet LA possesses the requisite FCC construction permits.
3. The proposed extension and operations are economically and technically feasible, and will serve to meet a public requirement.
4. The proposed base stations and antenna are to be located on existing towers in existing antenna farms.
5. It can be seen with certainty that the project will have no significant adverse effect on the environment.

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

7. No protests were received.

8. A public hearing is not necessary.

9. The order should be made effective on the date signed.

Conclusion of Law

The application should be granted to the extent provided for in the following order.

Only the amount paid to the State for operating rights may be used in rate fixing. 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 Paging Network of Los Angeles, Inc. (PageNet LA), a Delaware corporation, for the construction and operation of additional public utility one-way radiotelephone facilities with base stations and service area as follows:

Base station locations:

- a. Paxton Hill, approximately 4 miles NE of Yucca Valley. (Lat. 34° 09' 11" N, Long. 116° 23' 20" W.)
- b. Donnell Hill, approximately 1 mile W of Twentynine Palms. (Lat. 34° 07' 55" N, Long. 116° 04' 00" W.)

2. Within 30 days after this order becomes effective, PageNet LA shall file a written acceptance of the certificate granted in this proceeding.

3. PageNet LA is authorized to file, after the effective date of this order and in compliance with General Order 96-A, tariffs applicable to the service containing rates, charges, and

rules applicable to its radiotelephone services. The tariffs shall become effective on not less than 10 days' notice. The rates and charges shall be the same as for similar services that PageNet LA provides under its existing tariffs on file with the Commission.

4. PageNet LA shall file, after the effective date of this order and in compliance with Ordering Paragraph 3, as part of its individual tariff, service area maps in conformity with the provisions of the Federal Communications Commission Rule 22-504(b)(2), consistent with its proposed service area as shown on the map in Exhibit B to Application 91-05-037.

5. PageNet LA shall notify the Commission's 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. The certificate granted and the authority to render service under rates, charges, and rules authorized will expire if not exercised within 12 months after the effective date of this order.

This order is effective today.

Dated August 7, 1991, at San Francisco, California.

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

Commissioner Daniel Wm. Fessler,
being necessarily absent, did
not participate.

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


NEAL J. SHULMAN, Executive Director