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Decision 92-02-047 February 20, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
Michael D. Schelin, Ester Schelin,)
Robert Weinreb & Michael Weinreb,)
dba Shelcomm (U-2113-C), a general)
partnership, for a certificate to)
construct additional radiotelephone)
utility facilities serving areas in)
and around Chatsworth, California,)
as may be required by Section 1001)
et seq. of the California Public)
Utilities Code.)

ORIGINAL

Application 91-09-068
(Filed September 27, 1991)

OPINION.

Applicants, Michael D. Schelin, Ester Schelin, Robert Weinreb and Michael Weinreb, doing business as Shelcomm, a general partnership and a carrier certified to operate one-way radiotelephone utility facilities in California, request to "fill-in" Shelcomm's service territory to serve Chatsworth, California. Normally, the fill-in of service territory is processed by this Commission by advice letter. However, the Chatsworth site is included in a Federal Communications Commission (FCC) application with a Santiago Peak site. That application has been pending since March 1, 1990. Because of the delay in granting a license for Santiago Peak, applicants bifurcated the FCC application. Applicants have been granted a license and construction permit by the FCC to construct and operate facilities at the Chatsworth site. This license expired on November 21, 1991. However, on December 2, 1991 applicants have requested an extension of time to construct at this site.

Applicants allege a public need and demand for the service requested. Applicants assert that new and existing customers will use the requested service.

Applicants contend Shelcomm will extend its state-of-the-art one-way paging service to the expanded area to be operated under the direct supervision and control of existing technical experts. The total cost for equipment is \$7,000, which is within Shelcomm's financial capacity as shown by its balance sheet for the period ending August 31, 1991.

Applicants propose automatic alarms to provide immediate notification of certain technical failures in the expanded area and a 24-hour, daily trouble reporting number will be available to all subscribers.

Applicants propose to extend Shelcomm's current effective rates, rules, and regulations in the expanded service area.

Since the new base stations will be located on existing towers in existing antenna farms, there is reasonable certainty that the granting of this application will not have an adverse effect on the environment.

Findings of Fact

1. Notice of the filing of this application appeared in the Commission's Daily Calendar on October 18, 1991. No protests have been filed. A hearing is not necessary.

2. Applicants request authority to "fill-in" Shelcomm's existing service area by providing service in Chatsworth, California.

3. Applicants allege a need for existing customers to use the proposed service.

4. Applicants estimate the cost of additional facilities to be \$7,000. Applicants possess adequate financing to construct and operate these facilities.

5. Applicants possess adequate technical ability to operate the proposed facilities.

6. Applicants have requested an extension of their FCC authority to construct and operate the proposed facility.

7. Applicants will construct the proposed facilities on existing towers and antennas. Therefore, it can be seen with certainty that the activity in question will not have a significant effect on the environment.

Conclusions of Law

1. Applicants' request to serve Chatsworth should be granted and be effective after the FCC's approval of an extension to construct at the site.

2. This order should be effective on the date signed to give applicants adequate time to construct the additional facilities.

O R D E R

IT IS ORDERED that:

1. The existing certificate of public convenience and necessity of Michael D. Schelin, Ester Schelin, Robert Weinreb and Michael Weinreb, doing business as Shelcomm, U-2113-C, (applicants) is expanded to include the construction and operation of public utility one-way radiotelephone facilities with a base station and service area as follows:

- a. Base station location: Oat Mountain,
4.5 miles North of Chatsworth, Los
Angeles County.
- b. Service area: As shown in Exhibit C
attached to Application (A.) 91-09-068.

2. The granting of authority to construct and operate the facilities above is conditioned upon applicants receiving an extension of their FCC license. Applicants shall file written proof of their FCC license extension as soon as it is granted and prior to any construction or operation at the Chatsworth site.

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

4. Applicants are 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 Shelcomm's radiotelephone services. The tariffs shall become effective on not less than 5 days' notice. The rates and charges shall be the current rates and charges.

5. Applicants shall file as part of Shelcomm's individual tariff, after the effective date of this order and, consistent with Ordering Paragraph 3, an engineered service area map drawn in conformity with the provisions of Federal Communications Commission Rule 22.504, commonly known as the "Carey Report," and consistent with Exhibit B to A.91-09-068.

6. Applicants shall notify the Commission Advisory and Compliance Division (Telecommunications Branch) in writing of the date service is first rendered to the public as authorized herein, within 5 days after service begins.

7. The certificate granted and the authority to render service under the rates, charges and rules authorized will expire if not exercised within 12 months after the effective date of this order.

8. Applicants shall send a copy of this decision to concerned local permitting agencies not later than 30 days from today.

This order is effective today.

Dated February 20, 1992, at San Francisco, California.

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
NORMAN D. SHUMWAY
Commissioners

Commissioner Patricia M. Eckert;
being necessarily absent, did
not participate.

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

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NEAL J. SHULMAN, Executive Director
PB 1111