

Mailed

FEB 20 1992

Decision 92-02-068 February 20, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Comtech, Inc. d/b/a Comtech Mobile)
 Telephone Company for a Certificate)
 to Construct Radiotelephone Utility)
 Facilities serving areas in and)
 around San José, Sacramento, San)
 Francisco, and Bakersfield,)
 California, as may be required by)
 Section 1001 et seq. of the)
 California Public Utilities Code.)

ORIGINAL

Application 91-09-051
(Filed September 20, 1991)

O P I N I O N

Applicant Comtech, Inc. (Comtech) seeks a certificate of public convenience and necessity (CPCN) to construct radiotelephone utility facilities pursuant to Section 1001 of the Public Utilities Code. This Commission has received no protests, and Comtech has received necessary approvals from the Federal Communications Commission (FCC).

Comtech is a foreign corporation authorized to do business in California. It is a certificated reseller of cellular radiotelecommunications services in the State of California under the name Comtech Mobile Telephone Company (U 4024 C), and now seeks authority to construct and operate one-way radiotelephone utility facilities on 931.3375 MHz in and around San Jose, Sacramento, San Francisco, and Bakersfield, California.

Comtech proposes to construct base station facilities at the locations listed in the Appendix. The FCC has authorized Comtech to construct these facilities, and copies of the FCC permits are included in Comtech's application and reproduced as part of the Appendix. Comtech estimates that 6,000 subscribers will utilize these facilities in the first year of operation, 18,000 in the third year, and 30,000 in the fifth year. If these

figures prove to be accurate, Comtech projects that it will earn net income of \$147,920 in year 1, \$790,240 in year 3, and \$1,184,579 in year 5.

Comtech's balance sheet shows that, as of December 28, 1990, it had assets of \$6,028,824, including \$368,792 cash. The application states that Comtech has already acquired all necessary transmitters, receivers, antennas, transmission lines, terminals, duplexes, and related equipment. Comtech further states that these resources are sufficient to meet the needs of construction and operation of the proposed facilities.

Comtech states that, because these new base stations are to be located on existing towers in existing antenna farms, it is reasonably certain that the grant of this application will not result in any significant adverse impact upon the environment. A copy of the application was mailed to each affected city and county, and there has been no response contrary to these assertions. It therefore appears that any impact of the proposed new construction will be negligible.

In light of the foregoing facts, the Commission grants Comtech's request for a CPCN authorizing construction of the proposed facilities.

Findings of Fact

1. Comtech is a foreign corporation authorized to do business in California.
2. Comtech is a certificated reseller of cellular radiotelecommunications services in California under the name Comtech Mobile Telephone Company (U 4024 C).
3. The FCC has authorized Comtech to construct the facilities which are the subject of the application herein (Subject Facilities).
4. Comtech has adequate financial and other resources, and adequate experience, to meet the requirements of construction and operation of the Subject Facilities.

5. It is reasonably certain that construction and operation of the Subject Facilities will not result in any significant adverse impact upon the environment.

6. Public convenience and necessity permit the construction and operation of the Subject Facilities.

Conclusion of Law

The Commission should grant Comtech's request for a CPCN authorizing it to construct the Subject Facilities.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Comtech, Inc. (Comtech) for the construction and operation of a public utility one-way radiotelephone base stations at the locations and in accordance with the engineering specifications set forth in the Appendix hereto.

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

3. Comtech 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 and charges shall be as proposed for service in Exhibit D to the application herein.

4. Comtech shall file as part of its 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 (FCC) Rule 22.504, commonly known as the "Carey Report," and consistent with the Appendix hereto.

5. Comtech 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.

6. Comtech shall keep its books and records in accordance with the Uniform System of Accounts for Radiotelephone Utilities prescribed by this Commission.

7. Comtech shall file an annual report, in compliance with General Order 104-A, on a calendar-year basis using CPUC Annual Report Form L and prepared according to the instructions included in that Form.

8. 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.

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

This order closes this proceeding.

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


NEAL J. SHULMAN, Executive Director

RADIO STATION AUTHORIZATION

FCC FORM 463

COMMON CARRIER
PUBLIC LAND MOBILE SERVICE

COMTECH, INC.
23510 BERNHARDT STREET
HAYWARD, CA 94545-0000

SUBJECT TO THE PROVISIONS OF THE COMMUNICATIONS ACT OF 1934, AS AMENDED, SUBSEQUENT ACTS, TREATIES, AND ALL REGULATIONS MADE BY THIS COMMISSION, AND FURTHER SUBJECT TO THE CONDITIONS AND REQUIREMENTS SET FORTH IN THIS AUTHORIZATION, INCLUDING THOSE ON THE REVERSE SIDE, THE GRANTEE HEREOF IS PERMITTED, WITHIN THE TIME PERIOD SHOWN, TO CONSTRUCT A RADIO TRANSMITTING STATION FOR OPERATION AS HEREINAFTER DESCRIBED. THE GRANTEE IS ALSO REQUIRED, NO LATER THAN THE DATE OF REQUIRED COMPLETION OF CONSTRUCTION, TO FILE A NOTIFICATION OF STATUS OF FACILITIES ON FCC 489 AND RETAIN A COPY THEREOF.

FILE NO: CALL SIGN: KNKM840
30233-CO- P/L-01-89

PAGE 001
GRANTED BY:

CONSTRUCTION PERIOD
EARLIEST DATE OF COMMENCEMENT: MAR. 20, 1991
DATE OF REQUIRED COMPLETION: MAR. 20, 1992

CONTROL POINT NO. 01: 23510 BERNHARDT STREET HAYWARD CALIFORNIA

LOCATION NO. 06: LATITUDE: 35 22 49 N LONGITUDE: 119 00 36 W
2315 O STREET
CITY: BAKERSFIELD COUNTY: KERN STATE: CALIFORNIA

OBSTRUCTION MARKINGS MUST CONFORM WITH THE FOLLOWING PARAGRAPHS ON FCC FORM 715: NONE

XMITR NO.	STATION CLASS	FREQUENCY MHZ	EMISSION*	ANT NO.	ANTENNA FREQ AND MODEL	RADIATION PATTERN	TIP ANT AGL	ERP WATTS
01	BASE	931.46250		01	CELW PD-10017	OMNI	00113	1000

LOCATION NO. 07: LATITUDE: 37 06 39 N LONGITUDE: 121 50 31 W
LOMA PRIETA, 11 MI. SE OF
CITY: LOS GATOS COUNTY: SANTA CLARA STATE: CALIFORNIA

OBSTRUCTION MARKINGS MUST CONFORM WITH THE FOLLOWING PARAGRAPHS ON FCC FORM 715: 1,9,11,21

* THE FACILITIES AUTHORIZED HEREIN ARE AUTOMATICALLY AUTHORIZED THE FOLLOWING EMISSION DESIGNATORS: 15K0F2D, 16K0F3E, 16K0F3C, 16K0F1D, 16K0F1E. USE OF ANY OTHER EMISSIONS WILL BE SPECIFIED ABOVE.



RADIO STATION AUTHORIZATION

FCC FORM 463

FILE NO: 30233-CO- P/L-01-89
 CALL SIGN: K8KM840

XMTR NO.	STATION CLASS	FREQUENCY MHZ	EMISSION*	ANT NO.	ANTENNA MFR AND MODEL	RADIATION PATTERN	TIP ANT AGL	ERP WATTS
01	BASE	931.33750		01	CELW PD-1109	000	00042	0197

LOCATION NO. 08: LATITUDE: 37 19 03 N LONGITUDE: 121 56 47 W
 3031 TESCH WAY
 CITY: SAN JOSE COUNTY: SANTA CLARA STATE: CALIFORNIA

OBSTRUCTION MARKINGS MUST CONFORM WITH THE FOLLOWING PARAGRAPHS ON FCC FORM 715: NONE

XMTR NO.	STATION CLASS	FREQUENCY MHZ	EMISSION*	ANT NO.	ANTENNA MFR AND MODEL	RADIATION PATTERN	TIP ANT AGL	ERP WATTS
01	BASE	931.33750		01	CELW PD-10017	OMNI	00185	1000

LOCATION NO. 09: LATITUDE: 37 52 54 N LONGITUDE: 121 55 05 W
 MT. DIABLO, 6 MILES NE OF
 CITY: DANVILLE COUNTY: CONTRA COSTA STATE: CALIFORNIA

OBSTRUCTION MARKINGS MUST CONFORM WITH THE FOLLOWING PARAGRAPHS ON FCC FORM 715: 1,3,11,21

XMTR NO.	STATION CLASS	FREQUENCY MHZ	EMISSION*	ANT NO.	ANTENNA MFR AND MODEL	RADIATION PATTERN	TIP ANT AGL	ERP WATTS
01	BASE	931.33750		01	CELW PD-1109	270	00060	0154

LOCATION NO. 10: LATITUDE: 38 34 57 N LONGITUDE: 121 30 03 W
 4TH AND J STREET
 CITY: SACRAMENTO COUNTY: SACRAMENTO STATE: CALIFORNIA

OBSTRUCTION MARKINGS MUST CONFORM WITH THE FOLLOWING PARAGRAPHS ON FCC FORM 715: 3,21

XMTR NO.	STATION CLASS	FREQUENCY MHZ	EMISSION*	ANT NO.	ANTENNA MFR AND MODEL	RADIATION PATTERN	TIP ANT AGL	ERP WATTS
01	BASE	931.33750		01	CELW PD-10017	OMNI	00213	0785

* THE FACILITIES AUTHORIZED HEREIN ARE AUTOMATICALLY AUTHORIZED THE FOLLOWING EMISSION DESIGNATORS:
 15K0F2D, 16K0F3E, 16K0F3C, 16K0F1D, 16K0F1E. USE OF ANY OTHER EMISSIONS WILL BE SPECIFIED ABOVE.



RADIO STATION AUTHORIZATION

FCC FORM 463

FILE NO: 30233-CO- P/L-01-89
CALL SIGN: KNKM840

LOCATION NO. 11: LATITUDE: 37 47 33 N LONGITUDE: 122 24 52 W
1250 JONES STREET
CITY: SAN FRANCISCO COUNTY: SAN FRANCISCO STATE: CALIFORNIA

OBSTRUCTION MARKINGS MUST CONFORM WITH THE FOLLOWING PARAGRAPHS ON FCC FORM 715: 1,3,21

XMITR NO.	STATION CLASS	FREQUENCY MHZ	EMISSION*	ANT NO.	ANTENNA MFR AND MODEL	RADIATION PATTERN	TIP ANT AGL	ERP WATTS
01	BASE	931.33750		01	CELW PD-10017	OMNI	00320	1000

WAIVERS: AZIMUTH OF CENTER OF MAIN LOBE OF RADIATION WITH RESPECT TO TRUE NORTH FOR ANTENNA (01) AT LOCATION (07) (000)
)000

AZIMUTH OF CENTER OF MAIN LOBE OF RADIATION WITH RESPECT TO TRUE NORTH FOR ANTENNA (01) AT LOCATION (09) (270)
)000

* THE FACILITIES AUTHORIZED HEREIN ARE AUTOMATICALLY AUTHORIZED THE FOLLOWING EMISSION DESIGNATORS:
15KOF20, 16KOF3E, 16KOF3C, 16KOF1D, 16KOF1E. USE OF ANY OTHER EMISSIONS WILL BE SPECIFIED ABOVE.

DATE OF PRINT: MAR. 20, 1991

END OF AUTHORIZATION

FEDERAL



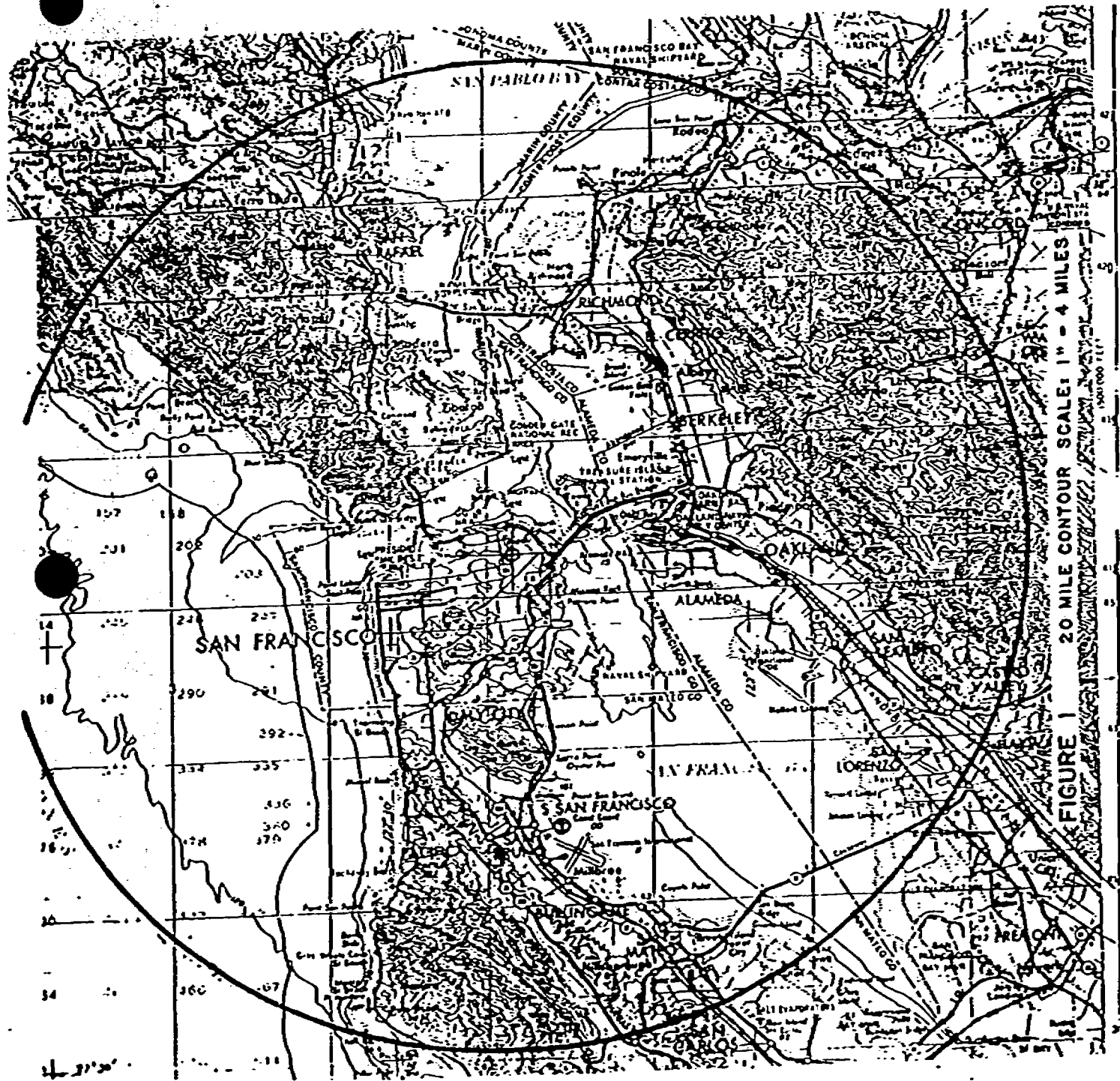


FIGURE 1 20 MILE CONTOUR SCALE: 1" = 4 MILES

