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Decision 92 03 061 MAR 23 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Mobilephone Corporation (U 2037 C) for authority under Section 851 of the Public Utilities Code to transfer to Cal-One Cellular L.P. (U 3036 C) utility assets associated with the business of reselling cellular service in portions of Siskiyou County, with request for action by Executive Director.

ORIGINAL

Application 92-01-017
(Filed January 9, 1992)

O P I N I O N

Mobilephone Corporation (Mobilephone) seeks authority to transfer its cellular telephone service retail business in Siskiyou County to Cal-One Cellular L.P. (Cal-One), pursuant to Public Utilities (PU) Code § 851. Cal-One joins in the request.

Notice of this application appeared in the Commission's Daily Calendar on January 21, 1992. No protests have been filed.

Mobilephone is a radiotelephone utility providing paging and rural radio services to customers in Humboldt County. It also resells cellular telephone service to customers in Siskiyou County. Cal-One is a cellular telephone facilities-based carrier providing service in Humboldt and Siskiyou counties.

Mobilephone proposes to sell its cellular telephone service retail business in Siskiyou County to Cal-One. The property includes customer contracts, accounts receivable, and good will. Aggregate net book value of the property was \$5,244.29 as of November 30, 1991. The purchase price would be all cash, calculated at \$1,000 per month between July 1991 and the month of closing.

Terms and conditions of the transfer are set forth in a purchase agreement attached as Exhibit A to the application.

Mobilephone states that it wants to end its operations as a reseller of cellular telephone service in the Siskiyou County area, and that Cal-One wants to continue the business and to provide uninterrupted service to Mobilephone's cellular telephone customers. Mobilephone and its president would agree not to compete with Cal-One in Siskiyou County for at least one year.

It can be seen with certainty that the proposed transfer will not have an adverse impact on the environment because the proposed transfer involves only the transfer of cellular reseller customer accounts and because Cal-One does not propose any new construction.

Mobilephone seeks expedited approval of this application by the Commission's Executive Director under the authority delegated to him by Decision (D.) 86-08-057, as amended by D.87-10-035. Ordering Paragraph 1 of D.87-10-035 provides that:

"[T]he Executive Director [may] grant noncontroversial applications by nondominant telecommunications carriers and radiotelephone utilities for authority to transfer assets or control under §§ 851-855 of the PU Code."

Findings of Fact

1. Applicant proposes to transfer its Siskiyou County cellular telephone resale service to Cal-One.
2. No protests to the application have been filed.
3. It can be seen with certainty that the proposed transfer will not have an adverse impact on the environment.

Conclusions of Law

1. The application should be granted.
2. The order should be effective immediately so that Cal-One can begin the process of serving Siskiyou County customers.
3. This authority is not a finding of the value of the rights and property to be transferred.

O R D E R

IT IS ORDERED that:

1. On or after the effective date of this order, Mobilephone Corporation (Mobilephone) may transfer to Cal-One Cellular L.P. (Cal-One) its cellular reseller operations and customer accounts in Siskiyou County in accordance with the terms described in the application.

2. Mobilephone or Cal-One shall notify the affected cellular customers of the transfer and the date of transfer.

3. Cal-One shall inform the Commission Advisory and Compliance Division Director in writing of the actual transfer date as authorized herein, within 10 days after the transfer. A true copy of the transfer documents shall be attached to the written notification.

4. Cal-One is authorized to file, after the effective date of this order and in compliance with General Order 96-A, tariff sheets consistent with Mobilephone's current tariffed rate structure, which shall be applicable to all cellular customers transferred from Mobilephone.

5. Within 90 days after transfer, Mobilephone shall file with the Commission, in the prescribed form, an annual report on its operations from the first day of the current year through the effective date of the transfer.

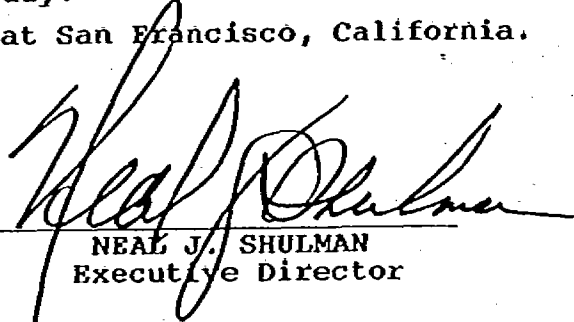
6. When the authorized transfer is completed and the conditions of this order are fulfilled, Mobilephone shall be relieved of its public utility obligations for the transferred system.

7. Cal-One shall use its existing corporate identification number, No. U-3036-C, in connection with the authority issued in this proceeding. The number shall appear in the caption of all original pleadings and in the titles of pleadings and in the title of pleadings filed in existing cases with the Commission.

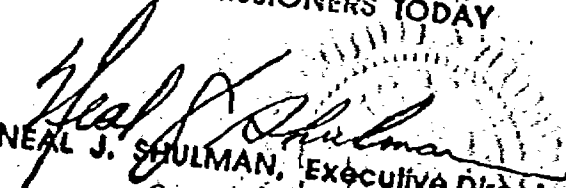
8. The authority granted in Ordering Paragraph 1 shall expire if not exercised within 12 months after the effective date of this order.

This order is effective today.

Dated MAR 23 1992, at San Francisco, California.


NEAL J. SHULMAN
Executive Director

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


NEAL J. SHULMAN, Executive Director
23

