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Decision 92-07-054 July 22, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
PAGING NETWORK OF LOS ANGELES, INC.,)
(U-2083-C), a Delaware corporation,)
for a Certificate to Construct)
additional Radiotelephone Utility)
Facilities serving areas in and)
around Glamis, California as may be)
required by Section 1001 et seq.)
of the California Public Utilities)
Code.)

ORIGINAL

Application 92-02-048
(Filed February 25, 1992)

OPINION

Statement of Facts

Paging Network, Inc. is a Delaware corporation formed in September 1981, for the purpose of developing a radio common carrier business. It accomplishes this goal by acquiring existing radio common carriers and by applying for new frequencies and service territories in various markets. Its present California operations include the provision of one-way paging service in the greater San Francisco/San Jose/Sacramento area through its affiliate Paging Network of San Francisco, Inc., and in the greater Los Angeles/Orange County/San Diego/ and Bakersfield area by its affiliate Paging Network of Los Angeles, Inc. (PageNet).

By the captioned application, PageNet requests a Certificate of Public Convenience and Necessity (CPC&N) to authorize the construction and operation of additional paging and one-way radiotelephone utility facilities in Imperial County, with a base station facility to be located on an existing tower in an existing antenna farm at Black Mountain, approximately 15 miles north east of Glamis (33° 03' 10" N, 114° 49' 34" W). PageNet intends to offer state-of-the-art paging services as they are developed at 900 MHz frequency. The service offerings are to be

fully automatic and interconnected and will initially include tone-only, numeric display, alphanumeric display, and tone-and-voice service. The proposed facility is to be operated under the direct supervision and control of its present personnel in its Los Angeles office, using a new control station. Additionally, automatic alarms will provide immediate notification of certain technical failures, and a 24-hour trouble reporting telephone number will be given to all subscribers. Response to system failures will be on a 24-hour, 7-day-per-week basis. Maintenance and repair service for the proposed transmitting facilities will be provided by PageNet's experienced technicians who will have access to the transmitter and control point at all times.

Total capital requirements for the base station, including transmitters, antennas, transmission line, and related equipment are approximately \$25,000. Paging Network, Inc., the parent corporation, will make available such funds as are necessary for the new base station, either from operating cash or under its existing line of credit.

The Federal Communications Commission (FCC) on February 5, 1992 gave public notice of the grant of the Glamis construction permit. The actual permit will be issued at a later date, and PageNet agrees to furnish it to the Commission upon receipt. Since PageNet's service area will be extended by the certificate it here seeks from the Commission, its present rates, rules, and regulations are proposed to be made effective in the extended area.

Copies of the application were served on cities and counties within the proposed extended territory and notice of the application appeared on the Commission's Daily Calendar of March 6, 1992. No protests have been received.

Discussion

Public Utilities (PU) Code § 1001 provides that no telephone corporation shall begin the construction of a plant without first having obtained from the Commission a certificate that the present or future public convenience and necessity requires or will require such construction.

The role of the Commission in the granting or denial of Certificates of Public Convenience and Necessity is determined by the facts and presence or absence of merit in each individual case. In the present situation, PageNet has proven itself to be an experienced operator, one willing and able financially and technically to construct and operate the needed facilities and to conduct the proposed operations in this relatively sparsely settled area of the State. It has complied with the FCC requirements and will provide state-of-the-art service to meet the ever increasing demand for paging service. There is no known opposition to granting a certificate and it is in the public interest that a certificate be granted as expeditiously as possible.

Findings of Fact

1. PageNet is a certificated radiotelephone utility providing one-way paging service throughout its certificated service area comprising most of the greater Los Angeles, Orange County, San Diego, and Bakersfield area.

2. PageNet by the captioned application seeks a CPC&N to construct and operate additional radiotelephone utility facilities in the Glamis area of Imperial County and thereby extend its existing service territory.

3. PageNet possesses the requisite FCC permit.

4. The proposed construction and operation is economically feasible, technically feasible, and will bring state-of-the-art paging services as they are developed at 900 MHz frequency to a relatively sparsely settled area of the state.

5. The proposed base station antenna is to be located on an existing tower in an existing antenna farm.

6. It can be seen with certainty that there is no possibility that the activity in question may have a significant adverse effect on the environment.

7. Public convenience and necessity require the granting of the application as expeditiously as feasible.

8. Notice of the application appeared in the Commission's Daily Calendar of March 6, 1992.

9. No protests have been received.

10. A public hearing is not necessary.

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 operative 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.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Paging Network of Los Angeles, Inc. (PageNet), a Delaware corporation, for the construction and operation of a public utility one-way radiotelephone system with a base station located in an existing antenna farm at Black Mountain (Lat. 33° 03' 10" N, Long. 114° 49' 34" W) near Glamis, Imperial County, and with a service area as shown for that site as indicated on the maps in Exhibit B to Application (A.) 92-02-048.

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

3. PageNet 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 the service. The tariffs shall become applicable on not less than 10 days' notice. The rates and charges shall be the same as for similar services PageNet has on file with the Commission for the Los Angeles, Orange County, San Diego, and Bakersfield areas.

4. PageNet 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 drawn in conformity with the provisions of Federal Communications Commission (FCC) Rule 22.504(b)(2), consistent with its proposed service area as shown on the maps in Exhibit B to A.92-02-048.

5. PageNet shall notify the Commission's Evaluation and Compliance Division Director in writing of the date service is first rendered to the public as authorized herein, 5 days after service begins.

6. The corporate identification number U-2083-C assigned to PageNet should be included in the caption of all original filings with this Commission, and in the titles of other pleadings filed in existing cases.

7. Within 15 days after receipt of its actual permit from the FCC, PageNet will furnish to the Executive Director of the Commission a copy of this permit.

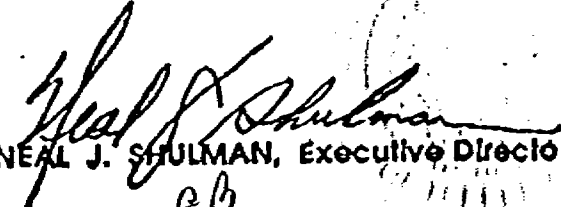
8. The certificate granted and the authority to render service under the rates, charges, and rules authorized will expire if not exercised within 12 months after the effective date of this order.

This order is effective today.

Dated July 22, 1992, at San Francisco, California.

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

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


NEAL J. SHULMAN, Executive Director
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