

AUG 3, 1992

Decision 92-07-095 JUL 31 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Joint
 Application of Nationwide Cellular
 Service, Inc. (U-4049-C) and Cellular
 Car Phones, Inc., dba L.A. Pacific
 Telecom (U-4064-C) for the sale by
 Cellular Car Phones, Inc., dba L.A.
 Pacific Telecom to Nationwide
 Cellular Service, Inc., of Cellular
 Car Phones, Inc., dba L.A. Pacific
 Telecom's customer accounts for the
 resale of cellular telecommunications
 services.

ORIGINAL

Application 92-06-004
 (Filed June 3, 1992)

OPINION

This decision grants the joint application of Nationwide Cellular Service, Inc. (Nationwide) and L.A. Pacific Telecom (L.A. Pacific) for the sale of L.A. Pacific's customer accounts (for the resale of cellular telecommunications services) to Nationwide, pursuant to Public Utilities (PU) Code § 851.

The application was filed on June 3, 1992, and notice of the application appeared in the Daily Calendar on June 8, 1992. No protests to the application have been received. A public hearing is not necessary.

Nationwide and L.A. Pacific are resellers of cellular telecommunications services. Both operate under Commission authority. By this application, they seek authority for L.A. Pacific to sell to Nationwide all of L.A. Pacific's accounts with customers for the resale of cellular telecommunications services. Under the terms of the agreement, Nationwide will pay \$330 per mobile number.

The sale is made, according to the application, because L.A. Pacific has decided to terminate its reseller operations. The application states that Nationwide already serves approximately

16,000 users, principally in the Los Angeles Cellular Geographical Service Area, and will be able to provide continued cellular telephone service for customers of L.A. Pacific.

The parties represent that Nationwide's tariffs affecting the transferred customer accounts are similar in all material respects to those of L.A. Pacific. However, Nationwide has a monthly charge for providing detailed statements and L.A. Pacific does not. Nationwide states that it will waive the \$2 fee for L.A. Pacific customers for a period of six months and will give customers the option of receiving detailed bills thereafter. L.A. Pacific asks that, when the transfer is complete, it be permitted to surrender its operating authority and cancel its existing tariffs.

Because the proposed sale involves only the transfer of existing customer accounts, and the application does not propose any new construction or relocation of facilities, it can be seen with certainty that the proposed transfer will not have an adverse impact on the environment.

The parties request ex parte approval pursuant to Decision (D.) 86-08-057. D.86-08-057, modified by D.87-10-035, delegated authority to the Executive Director to grant noncontroversial applications by nondominant carriers for authority to transfer assets or control under PU Code §§ 851-855. This application is not controversial. Nationwide has the capability to provide service to the customers whose accounts are to be transferred to it. Both Nationwide and L.A. Pacific are nondominant carriers. Accordingly, the application should be granted and the Executive Director is within his authority to grant it.

Findings of Fact

1. Nationwide and L.A. Pacific are nondominant carriers providing resale of cellular services in California.

2. Nationwide seeks to purchase and L.A. Pacific seeks to sell the customer accounts of L.A. Pacific for the resale of cellular telecommunications services.

3. No protest has been filed; the matter is not controversial, and no public hearing is required.

4. Nationwide is financially able to provide the service and is qualified to operate as a reseller of cellular telecommunications services.

5. L.A. Pacific's customers will not be subject to substantial changes in rates or services.

6. It can be seen with certainty that the proposed transfer is not a project that can have an adverse impact on the environment.

7. Public convenience and necessity require the granting of this application.

Conclusions of Law

1. The application should be granted.

2. This authority is not a finding of the value of rights and property to be transferred.

3. Because the public convenience and necessity require continued service to customers of L.A. Pacific, the following order should be effective immediately.

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 those rights at any time..

O R D E R

IT IS ORDERED that:

1. On or after the effective date of this order, Cellular Car Phones, Inc., dba L.A. Pacific Telecom (U-4064-C) (L.A. Pacific) may transfer to Nationwide Cellular Service, Inc.

(U-4049-C) (Nationwide) the L.A. Pacific customer accounts pursuant to the terms of the agreement set forth in the application.

2. L.A. Pacific and Nationwide shall notify the affected customers of the transfer in writing within 21 days of the effective date of the transfer. Nationwide shall provide detailed statements to L.A. Pacific customers at no charge for six months and shall give former L.A. Pacific customers the option of receiving detailed statements thereafter.

3. All customer deposits paid by L.A. Pacific customers shall be transferred to Nationwide or returned to the customers.

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

5. Nationwide is authorized to file, after the effective date of this order and in compliance with General Order 96-A, tariff sheets applicable to all customer accounts transferred from L.A. Pacific.

6. Within 90 days after transfer, L.A. Pacific 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.

7. When the authorized transfer is completed and the conditions of this order are fulfilled, L.A. Pacific shall be relieved of its public utility obligations for the transferred system and its Corporate Identification Number (U-4064-C) shall be abrogated. L.A. Pacific also shall file an advice letter in compliance with General Order 96-A canceling its tariffs.

8. Nationwide shall use its existing Corporate Identification Number (U-4049-C) in connection with the authority issued in this proceeding. The number shall appear in the caption

of all original pleadings, in the titles of pleadings, and in the title of pleadings filed in existing cases with the Commission.

9. 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 July 31, 1992, at San Francisco, California.

/s/ NEAL J. SHULMAN
NEAL J. SHULMAN
Executive Director

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


NEAL J. SHULMAN, Executive Director