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Decision 92-08-031 August 11, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of)
 Paging Network of San Francisco, Inc.,)
 (U-2044-C), a Delaware corporation,)
 for a certificate to construct)
 additional radiotelephone utility)
 facilities serving areas in and around)
 Oroville, Calistoga and Lodi, CA as may)
 be required by Section 1001 et seq. of)
 the California Public Utilities Code.)

ORIGINAL

Application 92-05-049
(Filed May 21, 1992)

O P I N I O N

Paging Network of San Francisco, Inc. (applicant), requests a certificate of public convenience and necessity (CPC&N) to construct additional radiotelephone utility (RTU) facilities in and around Oroville, Calistoga, and Lodi pursuant to Public Utilities (PU) Code § 1001 et seq. A map and engineering statements of the proposed service areas are attached to the application as Exhibit B.

Copies of the application have been served on cities and counties within the proposed service territory and on other entities with which the proposed service is likely to compete, as listed in applicant's declaration of service attached to its application.

Notice of the application appeared in the Commission's Daily Calendar of June 8, 1992. No protests to the application have been received; therefore, a public hearing is not necessary.

Applicant has filed with the Federal Communications Commission (FCC) the FCC Form 401 for authority to construct and operate three additional base station facilities to be located at Bloomer Hill, approximately 10 miles northeast of Oroville; Mt. St. Helena, approximately 6.5 miles northwest of Calistoga; and, at 321 No. California Street, Lodi. FCC authority is pending. Each

of the three facilities will operate at the 931.1875 megahertz (MHz) frequency. In addition, the Lodi facility will operate at the 931.2375 MHz frequency.

Applicant, a Delaware corporation qualified to do business in California, is a certificated RTU providing one-way paging service throughout its certificated service area which ranges from Sonoma County in the north to Sacramento County in the east and south through Santa Clara County, Fresno, and Visalia.

Applicant represents that there is a large market of potential users whose service needs are not being met and can be met by applicant. In addition, this application will extend applicant's current service area coverage into new areas.

Total capital requirement for the proposed facilities will be approximately \$90,000. Applicant will finance the construction and operation of its additional base station facilities, including transmitters, antennas, transmission line, and related equipment from its existing line of credit with its parent company, Paging Network, Inc. Paging Network, Inc. has committed to make available to applicant \$90,000, or such funds that are necessary, for equipment and construction of applicant's requested base station facilities through cash or under its existing line of credit with the Toronto-Dominion Bank.

Applicant will offer state-of-the-art paging services as they are developed at the 900 MHz frequency level. The service offerings will be fully automatic and interconnected. Service will initially include tone-only, numeric display, alphanumeric display and tone-and-voice service. There will be a new control station for the proposed base station facilities. Additionally, automatic alarms will provide immediate notification of certain technical failures. A 24-hour trouble reporting number will be given to all subscribers, and response to system failures will be on a 24-hour, seven day-per-week basis. Maintenance and repair services will be provided by applicant's experienced technicians.

The proposed facilities will be located on existing towers in existing antenna farms. Therefore, it can be seen with certainty that there is no possibility that the grant of this application may have a significant effect on the environment.

The rates to be charged for applicant's proposed service are the same rates and charges for similar services that applicant presently has on file with the Commission.

Findings of Fact

1. Applicant requests a CPC&N to construct and operate additional base station facilities in Oroville, Calistoga, and Lodi.
2. Copies of the application were served on the cities and counties within applicant's proposed service territory and on other entities with which applicant's proposed service is likely to compete.
3. Notice of the application appeared in the Commission's Daily Calendar of June 8, 1992.
4. No protests to the application have been received.
5. Applicant has filed with the FCC for the requisite FCC permits. FCC authority is pending.
6. Applicant is a certificated RTU.
7. Public convenience and necessity require the granting of this application, to be effective on the date signed.
8. The proposed operation is technically and economically feasible.
9. It can be seen with certainty that there is no possibility that the grant of this application may have a significant effect on the environment.

Conclusion of Law

The application should be granted.

Only the amount paid to the State for operating rights may be used in rate fixing. The State may grant any number of

rights and may cancel or modify the monopoly features of these rights at any time.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity (CPC&N) is granted to Paging Network of San Francisco, Inc. (applicant) to construct and operate a one-way radiotelephone public utility with additional base stations and a service area as follows:

Base Station Locations:

- a. Bloomer Hill, approximately 10 miles northeast of Oroville.
(Lat. $39^{\circ} 39' 04''$ N, Long. $121^{\circ} 27' 43''$ W)
- b. Mt. St. Helena, approximately 6.5 miles northwest of Calistoga.
(Lat. $38^{\circ} 39' 22''$ N, Long. $122^{\circ} 36' 57''$ W)
- c. 321 No. California Street, Lodi.
(Lat. $38^{\circ} 08' 50''$, Long. $121^{\circ} 16' 49''$)

Service area: As shown in Exhibit B to Application (A.) 92-05-049.

2. The CPC&N granted in Ordering Paragraph 1 shall be conditioned upon applicant demonstrating to the Commission Advisory and Compliance Division Director in writing that applicant possesses the requisite Federal Communications Commission (FCC) permits.

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

4. Applicant 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

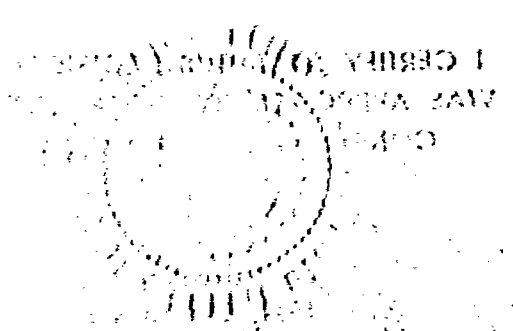
become effective on not less than 5 days' notice. The rates and charges shall be the same as for similar services that applicant presently has on file with the Commission.

5. Applicant shall file as part of its individual tariff, after the effective date of this order and, consistent with Ordering Paragraph 4, engineered service area maps drawn in conformity with FCC Rule 22.504 (b)(2), consistent with its proposed service areas as shown on the maps in Exhibit B to A.92-05-049.

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

7. The corporate identification number assigned to applicant is U-2044-C which should be included in the caption of all original filings with the Commission, and in the titles of other pleadings filed in existing cases.

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. Applicant shall provide a copy of this decision to concerned local permitting agencies not later than 30 days from today.

10. A.92-05-049 is closed.

This order is effective today.

Dated August 11, 1992, at San Francisco, California.

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

Commissioner John B. Ohanian,
being necessarily absent, did not
participate.

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


NEAL J. SHULMAN, Executive Director