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Decision 92-08-050 August 12, 1992

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In Re Joint Application of Radio
 Dispatch Corporation (U-2047-P),)
 a California Corporation, and Orion)
 Telecom (U-2098-P), a California)
 Sole Proprietorship, for Authority)
 to Transfer Certain Radiotelephone)
 Utility Assets from Radio Dispatch)
 Corporation to Orion Telecom Pursuant)
 to Public Utilities Code Section 851)
et seq.)

ORIGINAL

Application 92-07-012
 (Filed July 8, 1992)

O P I N I O N

Radio Dispatch Corporation (U-2047-P) (Radio Dispatch) and Orion Telecom (U-2098-P) (Orion) (applicants) hereby submit this joint application requesting an order authorizing a transfer of certain radiotelephone utility assets from Radio Dispatch to Orion.

Radio Dispatch is a certificated radiotelephone utility with its principal place of business in Pomona, California. Radio Dispatch provides radiotelephone utility service primarily in Southern California.

Orion is a certificated radiotelephone utility with its principal place of business in Rancho Cucamonga, California. Orion provides radiotelephone utility service throughout Southern California, from the Mexican border to Covina.

Radio Dispatch is the owner of a mobile telephone base station facility located at Kellogg Hill near Pomona, California, and has Federal Communications Commission (FCC) authority to operate from this site. Together, the two-way base station facility, KMD 992, and the FCC authority are the "Kellogg Hill Asset". Radio Dispatch has agreed to sell the Kellogg Hill Asset

to Orion for \$12,000, as set forth more fully in the Agreement of Sale attached to the application.

Radio Dispatch and Orion allege that they have entered into the proposed transaction in order to better serve the public interest. Currently, subscribers to Orion's system do not enjoy reliable coverage on a critical portion of Interstate 10 west of Covina. Radiotelephone utility subscribers are in increasing numbers demanding such coverage, and the proposed transaction will allow Orion to respond to these demands. There are no Radio Dispatch customers who would be adversely affected by the transfer.

The proposed transfer will result in a small expansion of Orion's existing service area. As set forth in the map attached to the application, this expansion area is minor and is contiguous to the current service contour of Orion.

Applicants request that the authority sought herein be granted to an ex parte basis by order of the Executive Director, consistent with the transfer procedures adopted for inter-exchange carriers and radiotelephone utilities pursuant to Commission Decision (D.) 86-08-057 and D.87-10-035, respectively.

This application involves only a proposed change in ownership of existing duly licensed facilities. Applicants do not, by this application, propose any new construction. Therefore, there is no possibility that the transaction contemplated herein may have any significant impact on the environment.

Findings of Fact

1. Notice of the filing of the application appeared in the Daily Calendar on July 10, 1992. No protests have been filed. A hearing is not necessary.
2. Improvements are needed in a portion of Orion's radiotelephone system to adequately serve its customers.
3. The sale by Radio Dispatch of the Kellogg Hill Asset to Orion will improve Orion's system.
4. The sale is in the public interest.

5. This authorization is not a finding of the value of the rights and properties to be transferred.

Conclusions of Law

1. The sale and transfer should be authorized.
2. Upon completion of the sale and transfer Radio Dispatch should be relieved of its public utility obligation within the transferred area.

ORDER

IT IS ORDERED that:

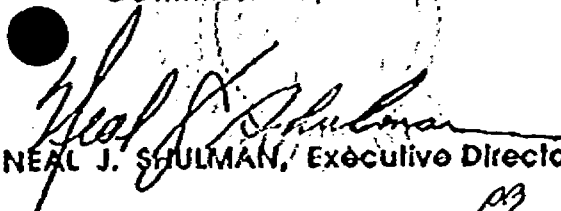
1. On or before December 31, 1992, Radio Dispatch Corporation may sell and transfer to Orion Telecom the Kellogg Hill Asset described in its application in accordance with the terms of the Agreement of Sale attached to the application.
2. Within 10 days of the actual transfer, Radio Dispatch Corporation and Orion Telecom shall file revised tariffs and service area maps in compliance with General Order Series 96, and apply its present tariffs to the areas certificated by this order. The effective date of these tariffs shall be 5 days after filing.
3. Within 10 days of the actual transfer, Orion Telecom shall notify the Commission Advisory and Compliance Division, in writing, of the date on which the transfer was completed. A true copy of the instrument effecting the sale and transfer shall be attached to the written notification.
4. Upon completion of the sale and transfer, Radio Dispatch shall stand relieved of its public utility obligation within the transferred area.

This order is effective today.

Dated August 12, 1992, at San Francisco, California.

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

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


NEAL J. SHULMAN, Executive Director
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