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SEP. 3 1992

Decision 92-09-032 September 2, 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 )  
 Grass Valley, CA, Pollock Pines, CA, )  
 Healdsburg, CA, Tahoe City, CA, Chico, )  
 CA, Eureka, CA, and Lakeport, CA, as )  
 may be required by Section 1001, et )  
 seq., of the California Public )  
 Utilities Code. )

Application 92-06-020  
 (Filed June 17, 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 Grass Valley, Pollock Pines, Healdsburg, Tahoe City, Chico, Eureka, and Lakeport, pursuant to Public Utilities Code § 1001, et seq. A map and engineering statements of the proposed service areas is 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 RTUs 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 29, 1992. No protests to the application have been received. 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 additional paging and one-way RTU facilities to be located at the following sites:

- \* Wolf Mountain, approximately 6 miles south-southwest of Grass Valley.
- \* Union Hill, approximately 1 mile east of Pollock Pines.
- \* Mt. Jackson, approximately 7 miles southwest of Healdsburg.
- \* Mt. Pluto, approximately 3 miles northwest of Tahoe City.
- \* Cohasset Ridge, approximately 15 miles north-northeast of Chico.
- \* Barry Ridge, approximately 11 miles east-southeast of Eureka.
- \* Cow Mountain, approximately 10 miles northwest of Lakeport.

Each of the facilities will operate at the 931.1875 megahertz (MHz) frequency. FCC authority for these facilities is pending. The 30-day FCC public notice period has expired. Thus, these applications comply with revised Rule 18(o)(1) of the Rules of Practice and Procedure, as revised in Decision (D.) 92-03-078.<sup>1</sup>

Applicant, a Delaware corporation, qualified to do business in California, is an RTU providing one-way paging service throughout its certificated service area, which ranges from Sonoma County in the north to Placer County in the east, and south through Santa Clara County and Fresno/Visalia. In addition, applicant's sister company, Paging Network of Los Angeles, Inc., provides one-way paging throughout the greater Southern California area.

<sup>1</sup> Rule 18(o)(1) was revised to permit filings prior to the grant of FCC permits. The revision states: "When an applicant files for the relevant construction permit from the Federal Communications Commission (FCC) and the FCC public notice period has expired, it may at any time thereafter submit its application to this Commission." D.92-03-078, App. E.

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, including transmitters, antennas, transmission line, and related equipment, will be approximately \$210,000. Applicant will finance the construction and operation of its additional base station facilities from its existing line of credit with its parent company, Paging Network, Inc. Paging Network, Inc. has committed to make available to applicant \$210,000, or such funds that are necessary for the work, through cash or under an existing line of credit with the Toronto-Dominion Bank.

Applicant represents that it 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 technicians.

The proposed facilities will be located on existing towers in existing antenna farms. Applicant represents that, because of this, the proposed facilities will have no adverse impact on the environment. Based on the data set forth in the application, an environmental document will not be required to comply with the California Environmental Quality Act of 1970 (CEQA) because the project is categorically exempt. As the lead agency for this utility project, we conclude that, since the proposed

construction involves minor alteration of existing facilities, the project should receive a categorical (Class 1) exemption from the Environmental Impact Report requirements of CEQA.<sup>2</sup> Applicant should comply with local permit requirements, if any.

We note, however, the concern expressed in our RTU rulemaking proceeding that, in rare instances, new RTU construction on existing facilities could have environmental impact.<sup>3</sup>

Therefore, our order today requires that applicant in the future submit additional environmental data to the Commission prior to expanding antenna sites to serve other portions of its market area.

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 and around Grass Valley, Pollock Pines, Healdsburg, Tahoe City, Chico, Eureka, and Lakeport.

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 29, 1992.

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2 Rule 17.1(h)(A)(2) of the Rules of Practice and Procedure provides for categorical exemption of projects involving "minor alteration of existing facilities used to convey or distribute electric power, natural gas, water, or other substance."

3 In D.92-01-016, pp. 47-48, we noted that the Commission is not able on a general basis "to clearly define the new RTU construction on existing structures with no adverse environmental impact from the rare new RTU construction on existing structures which may significantly affect the environment and require environmental review."

4. No protest to the application has 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 prompt granting of this application, to be effective on the date signed.
8. The proposed operation is technically and economically feasible.
9. The proposed facilities will be installed at developed sites with existing facilities.

Conclusions of Law

1. The application should be granted.
2. The Commission is the lead agency in this matter.
3. The proposed construction is categorically exempt from the requirements of CEQA (Rule 17.1(h)(A)(2)).
4. Applicant should be required in future applications to submit environmental information to the Commission for expansion antenna sites to serve other portions of its market area.

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 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. Wolf Mountain, approximately 6 miles south-southwest of Grass Valley.  
(Lat. 39° 07'59", Long. 121° 05'57")

- b. Union Hill, approximately 1 mile east of Pollock Pines.  
(Lat. 38° 45'47", Long. 120° 33'47")
- c. Mt. Jackson, approximately 7 miles southwest of Healdsburg.  
(Lat. 38° 32'24", Long. 122° 57'39")
- d. Mt. Pluto, approximately 3 miles northwest of Tahoe City.  
(Lat. 39° 14'30", Long. 120° 08'21")
- e. Cohasset Ridge, approximately 15 miles north-northeast of Chico.  
(Lat. 39° 56'46", Long. 121° 43'17")
- f. Barry Ridge, approximately 11 miles east-southeast of Eureka.  
(Lat. 40° 43'36", Long. 123° 58'18")
- g. Cow Mountain, approximately 10 miles northwest of Lakeport.  
(Lat. 39° 07'50", Long. 123° 04'32")

Service area: As shown in Exhibit B to Application (A.) 92-06-020.

2. The CPC&N granted in Ordering Paragraph 1 shall be conditioned upon applicant demonstrating to the Commission Advisory and Compliance Division (CACD) 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.92-06-020.

6. Applicant shall notify the CACD Director in writing of the date service is first rendered to the public as authorized herein, within 5 days after service begins.

7. 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.

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

9. For future expansion antenna sites to serve other portions of this market area, the applicant shall submit environmental information to the Commission prior to construction of such antennas. The Commission will review this material and determine at that time whether any supplemental environmental documentation is required in accordance with the provisions of the California Environmental Quality Act.

10. A.92-06-020 is closed.

This order is effective today.

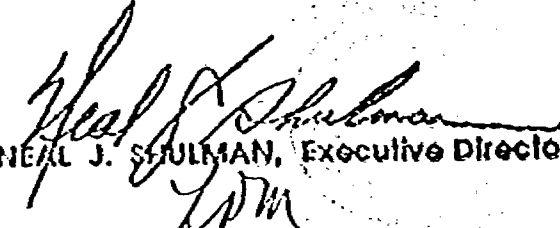
Dated September 2, 1992, at San Francisco, California.

DANIEL Wm. FESSLER  
President

JOHN B. OHANIAN  
NORMAN D. SHUMWAY  
Commissioners

Commissioner Patricia M. Eckert,  
being necessarily absent, did  
not participate.

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

  
NEAL J. SCHULMAN, Executive Director