

ORIGINAL

Decision 82 04 005 APR 6 1982

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application )  
of RADIO RELAY CORP.-CALIFORNIA, )  
a California corporation, for a )  
certificate of public convenience )  
and necessity to construct addi- )  
tional radiotelephone utility )  
facilities. )

Application 59477  
(Filed February 26, 1980)

(See Decision 93377 for earlier appearances.)

Farrand, Malti, Spillane & Cooper, by  
Wayne B. Cooper, Attorney at Law, for  
applicant at rehearing.

OPINION ON LIMITED REHEARING

Applications for rehearing of Decision (D.) 93377 in the above-entitled matter were filed by Industrial Communications Systems, Inc. (ICS) and by Gencom, Incorporated (Gencom). By D.93685 the Commission, among other things, stayed D.93377 and granted its rehearing "limited to the purpose of receiving evidence on the matters described below, relative to Radio Relay's revised transmitter proposal...

- "1. Technical and economic feasibility (Findings of Fact Nos. 19, 20, 23 and 24);
- "2. Effect on environment (Finding of Fact No. 49)."

On November 23, 1981 Radio Relay Corp.-California (Radio Relay) filed the Proponents Environmental Assessment, the contents of which are as follows:

"Pursuant to Decision 93685, and in accordance with Rule of Practice 17.1(d)(1), Applicant RADIO RELAY CORP. - CALIFORNIA, respectfully shows:

"1. It can be seen with certainty that there is no possibility that the project applied for herein, or any portion thereof, may have a significant adverse effect on the environment.

"a. Of the four proposed transmitter locations, three (Santiago Peak, Magic Mountain, and Kellog Hill) are already in use as major communications sites. Letters evidencing that fact are attached hereto marked as Exhibits A and B. All that Applicant proposes to do is to attach to the side of one of the numerous towers that already exist at each such site a single vertical antenna approximately ten feet in length. There are already many such antennas on each of the towers in question, and the ones proposed by Applicant will be no more than another tree in the metal forest.

"b. On the fourth proposed site, the Bekins building in San Bernardino, Applicant proposes merely to place a similar antenna on a 1-1/2 inch diameter pole located at the rear of the roof. No tower will be used. In effect, the installation when completed will resemble a typical residential t.v. antenna, except that Applicant's antenna will be substantially less obtrusive, being simply a single dipole element as opposed to the multi-element airplane-like yagi antennas used for t.v. reception, and also being mounted vertically along the pole rather than being placed on it horizontally.

"Since the antenna will be placed at the rear, atop the six story building, it will generally be invisible from the street in any event. Further, directly across the street is a Pacific Telephone and Telegraph Company building which is littered not only with a number of ordinary radio antennas, but also a myriad of immense microwave facilities. And one block up the street is the government administration building, the roofline of which likewise contains communications antennas from one end to the other.

"2. Clearly, therefore, Applicant's antennas at each of the proposed new sites can be seen to have no adverse environmental impact of any significance whatever."

Prior to the limited rehearing, which was held before Administrative Law Judge Main on February 9, 1982 in Los Angeles, ICS and Gencom withdrew their opposition to this application. At the rehearing the affidavit of Alan Rainbeau was received as Exhibit RH-1. Rainbeau is Radio Relay's controller and also the controller of its parent corporations, Radio Relay Corp.-Delaware and Graphic Scanning Corp. Rainbeau avows "that applicant's [Radio Relay's] proposed expansion to Magic Mountain, Santiago Peak, Pomona, and San Bernardino is economically feasible in all respects, as to both capital outlays and operating expenses."

Exhibit RH-1 also contains financial documents showing:

1. Equipment cost estimates for the four proposed transmitter sites totaling \$36,000.
2. Radio Relay's Balance Sheet as of December 31, 1981: current assets \$1,845,807; current liabilities \$233,820; stockholder's equity \$2,552,507.
3. Radio Relay's net income for six months ended December 31, 1981: \$453,000.

At the limited rehearing Ronald Mercer, chief engineer of Radio Relay and its parent corporations, addressed the technical feasibility of the proposed operation. In Exhibit RH-2, copies of the applications filed with the Federal Communications Commission (FCC) for satellite transmitters at Magic Mountain, Pomona, and San Bernardino and a copy of the application filed with the FCC for modification of the construction permit for the transmitter at Santiago Peak are provided. The construction permits and modification sought by these applications were granted by the FCC during 1981. In Exhibit RH-3 the 43 dbu contour for the proposed operation is shown. Mercer testified that the area delineated by that contour is substantially the same as the area sought to be served from the three transmitter locations under the original proposal. The thrust of Mercer's testimony was that the proposed service will be technically feasible, adequate, and of good quality.

Radio Relay can make changes in its equipment and/or seek authority from the FCC and this Commission to construct and operate more transmitters, should Radio Relay find that there are any geographic areas that regularly do not receive adequate signal strength on the low band in the proposed expansion area. Radio Relay's evidence presented at the limited rehearing was not controverted.

Findings of Fact

1. Total capital cost of the transmitters at the four proposed locations will run about \$36,000.
2. The proposed operation will be technically and economically feasible, adequate, and of good quality.
3. Should Radio Relay find that there are any geographic areas that regularly do not receive adequate signal strength on the low band in the proposed expansion area, it can make changes in its equipment and/or seek authority from the FCC and this Commission to construct and operate more transmitters.
4. It can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

Conclusions of Law

1. Finding of Fact 19 of D.93377 should be modified to read:  
"19. Total capital cost of the transmitters at the four proposed locations will run about \$36,000."
2. Findings of Fact 20, 23, 24, and 49 of D.93377 should be affirmed. ✓

3. The stay of D.93377 ordered by D.93685 should be lifted.

4. To make service from the proposed transmitter locations available without further delay, the order which follows should be effective today.

ORDER ON LIMITED REHEARING

IT IS ORDERED that:

1. Finding of Fact 19 of Decision 93377 is deleted and replaced with the following finding of fact:

19. Total capital cost of the transmitters at the four proposed locations will run about \$36,000.

2. Findings of Fact 20, 23, 24, and 49 of Decision 93377 are affirmed.

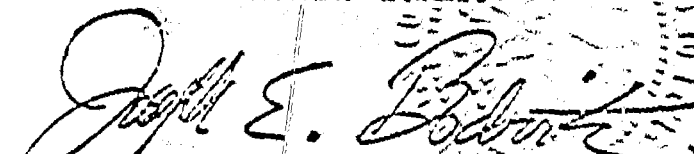
3. Decision 93377, as modified by Ordering Paragraph 1 above and by Decision 93685, shall go into full force and effect on the effective date of this order; the stay ordered by Decision 93685 is lifted.

This order is effective today.

Dated April 6, 1982, at San Francisco, California.

JOHN E. BRYSON  
President  
RICHARD D. GRAVELLE  
LEONARD M. GRIMES, JR.  
VICTOR CALVO  
PRISCILLA C. GREW  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director