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Decision 84 C1 045

JAN 19 1984

**ORIGINAL**

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the matter of the application  
of Tadlock's Communications, Inc.,  
a California corporation, for a  
certificate of public convenience  
and necessity to expand its  
facilities to provide radio  
paging services in and around  
Woodland, California.

Application 83-10-22  
(Filed October 14, 1983)

O P I N I O N

Applicant Tadlock's Communications, Inc., a California corporation, requests a certificate of public convenience and necessity to construct and operate radiotelephone facilities to provide one-way paging service in and around the City of Woodland. The application shows copies of the application were served on MCI Airsignal of California, Inc., at Sacramento, Delta Valley Radiotelephone Co., Inc. at Stockton, and Electropage, Inc. at Sacramento. Notice of the filing of the application appeared in the Commission Daily Calendar of October 19, 1983. No protests to the application have been received. The application shows that applicant has the requisite Federal Communications Commission (FCC) permit.

For many years applicant has provided one-way and two-way mobile radiotelephone service in a service area embracing the City of Woodland and an area principally north and west of that city.

Its control point is located at 26 Main Street, in the City of Woodland. For the year ended December 31, 1982 applicant had gross income from radiotelephone operations of \$597,909 and a net profit for that year of \$54,246. As of December 31, 1982 it had a net worth of \$238,011.

Applicant alleges that the expansion of its one-way paging operations has been limited due to the fact that its two-way frequencies must, under applicable FCC rules, be reserved primarily for mobile radiotelephone services, and may be used only on a secondary basis for paging services. In contrast, the frequency 43.66 megahertz (MHz), which applicant intends to use in the proposed service, has been reserved by the FCC for one-way service only, thus permitting applicant to respond to a substantially increased demand for voice paging service in and around the City of Woodland. After obtaining the FCC permit covering the proposed service, applicant, believing that such expansion was within the de minimis exceptions set forth in Rule 18(o) of the Commission's Rules of Practice and Procedure, submitted a proposed advice letter to the Commission Communication staff. The staff, noting that the proposed service area contour bisected the City of Davis, which is not within applicant's present service area, recommended that this application be filed prior to any attempt by applicant to market its proposed services in the area not presently certificated to it. The proposed service area enlarges applicant's present service area by approximately 9.6%. Applicant's 43.66 MHz signal contour describes a concentric circle about 13 miles in diameter with the City of Woodland at the center of the circle.

Applicant estimates its cost to install the facilities to be approximately \$8,000. This is attributable to a Quintron QT-7001 transmitter, a Phelps Dodge-320 antenna, and related engineering and legal services. An existing antenna tower will be used. There would be no addition to applicant's present labor force and no added site

rentals. Incremental operational expenses are estimated not to exceed \$1,000. Applicant anticipates revenues from the first year of operation of the proposed system to be \$6,000 derived from 100 tone-only paging units plus an additional revenue for that year of \$8,400 from other paging units. It also anticipates that it will be serving 250 tone-only and 500 voice paging units at the end of the fifth full year of operations of its 43.66 MHz paging system. Applicant presently charges \$10 and \$12 per month, respectively, for its tone-only and tone-and-voice paging service. Lesser rates will be charged for its low-band (43.66 MHz) paging service. Low-band tone-only service will cost the subscriber \$5 per month, with a message unit allowance of 50 calls, and low-band tone-and-voice service will cost \$7 per month, with a message unit allowance of 20 calls.

Findings of Fact

1. Applicant requests a certificate to construct and operate radiotelephone facilities for the purpose of offering one-way paging service in and around the City of Woodland.
2. For many years applicant has been rendering one-way paging and two-way mobile radiotelephone service in a service area embracing the City of Woodland and an area principally north and west of that city.
3. As of December 31, 1982 applicant had a net worth of \$238,011.
4. Expansion of applicant's one-way paging service has been limited by the fact that it gives the service on its two-way frequency which must be reserved primarily for mobile radiotelephone service and only secondarily for paging service.
5. The frequency 43.66 MHz, which applicant intends to use in the proposed service has been reserved by the FCC for one-way service only, and will permit applicant to respond to a substantiallaly increased demand for voice paging service in and around the City of Woodland.

6. The proposed service area describes a concentric circle about 13 miles in diameter with the City of Woodland at the center of the circle.

7. The proposed service area enlarges applicant's present service area by only approximately 9.6%.

8. Estimated cost to install the proposed facilities is \$8,000.

9. An existing antenna tower will be used.

10. There will be no addition to applicant's present labor force and no added site rentals.

11. Applicant anticipates that it will be serving 250 tone-only pagers and 500 voice pagers by the end of the fifth full year of the proposed system's operation.

12. Applicant has the requisite FCC permit to conduct the proposed operation.

13. The operation is economically and technically feasible.

14. Public convenience and necessity require the issuance of the requested certificate.

15. The application is not protested.

16. A hearing is not necessary.

17. 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. The application should be granted.

2. 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 these rights at any time.

ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to Tadlock's Communications, Inc. (applicant) for the construction and operation of a one-way paging radiotelephone system with a base station and service area as follows:

Base station location:

1210 East Kentucky Avenue, City of  
Woodland, lat. 38° 41' 28" N, long.  
121° 45' 42" W.

Service area:

As shown for call sign KPB236 on Exhibit B to  
Application 83-10-22.

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

3. Applicant is authorized to file, after the effective date of this order and in compliance with Ordering Paragraph 2, tariffs applicable to the service authorized containing rates, rules, and charges otherwise applicable to its radiotelephone services, consistent with Exhibit D to A.83-10-22. This filing shall comply with General Order 96-A. The tariffs shall become effective on not less than 10-days' notice.

4. Applicant shall file, after the effective date of this order and in compliance with Ordering Paragraph 2, as part of its individual tariff, an engineered service area map drawn in conformity with the provisions of Federal Communications Commission Rule 22.504, commonly known as the "Carey Report", reflecting the service area contour shown applicable to call sign KPB236 in Exhibit B to Application 83-10-22.

5. Applicant shall maintain accounts in conformity with this Commission's Uniform System of Accounts for Radiotelephone Utilities.

6. Applicant shall prepare and submit annual reports to this Commission, pursuant to General Order 104-A, in the manner prescribed in Section 1, California Public Utilities Annual Report Form L, or as may subsequently be ordered by the Commission.

7. Applicant shall notify this Commission in writing, of the date service is first rendered the public under the rates, rules, and charges authorized within 5 days after service begins.

8. The certificate granted and the authority to render service under the rates, rules, and charges authorized will expire if not exercised within 12 months after the effective date of this order.

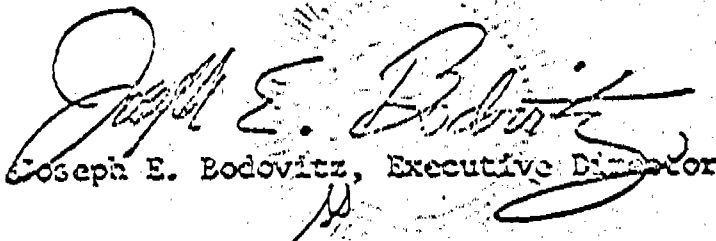
This order becomes effective 30 days from today.

Dated JAN 19 1984, at San Francisco, California.

LEONARD M. GRIMES, JR.  
President

VICTOR CALVO  
PRISCILLA C. GREW  
DONALD VIAL  
WILLIAM T. BAGLEY  
Commissioners

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

  
Joseph E. Bodovitz, Executive Director