

ORIGINAL

Decision No. 87077

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of WILLIAM H. COLCLOUGH, dba
SILVERADO COMMUNICATIONS, for a
certificate of public convenience
and necessity to construct a new
radiotelephone utility system.

Application No. 56974
(Filed December 30, 1976)

O P I N I O N

William H. Colclough (applicant), doing business as Silverado Communications, seeks a certificate of public convenience and necessity authorizing the construction and operation of a radio-telephone system serving the city of Napa and nearby communities in Napa County.

The proposed base station will be located approximately 1.7 miles west of the Napa, California, main post office. The coordinates for the base station are 38° 17' 39" North Latitude and 122° 19' 04" West Longitude. Effective radiated power of the base station will be 400 watts. The system will be operated on frequencies in the 450 MHZ band. Applicant proposes to establish a message center at 1357 Calistoga Avenue, Napa, from where the Valley Answering Service will perform the dispatching for applicant. The system will be controlled by telephone lines from that point. Services will be rendered on a 24-hour-per-day basis.

Applicant will utilize the facilities and service of Napa Valley Communications, Inc., 1753 Tanen Street, Napa, for the prompt servicing and maintenance of the equipment. Applicant states that this is an experienced radio and electronic service company with expert technicians working from a downtown Napa location and that

this arrangement is expected to be efficient and especially convenient for subscribers. The estimated cost of constructing and initiating the proposed system is \$30,000. Applicant has the capacity to finance the system and is technically qualified to operate the system.

According to applicant, the need for a Napa based radiotelephone utility has been established by an intensive and comprehensive survey conducted by him. The purpose of the survey was to determine specifically the extent of service necessary immediately and to develop projections for future growth. The contacts reached more than 50 businesses and individuals. The two-way and one-way services to be provided and charges proposed for each were described in detail. Favorable responses reflecting positive present or near-term interest in applicant's locally based services were obtained from 28 of the contacts. An initial need for 21 paging units and 6 two-way units was indicated. The need was shown to be from a wide cross-section of businesses and professions. This is expected to grow to 60 two-way and 180 one-way paging units by the fifth year. These growth projections are conservative and are based on the very favorable response received to the survey and the applicant's personal experience in the daily operation and management of a radiotelephone utility.

The staff of the Commission has not expressed any objection to the proposed certificate. No protests have been received.

Applicant states that all equipment will be installed in existing buildings and the antenna will be installed on an existing antenna structure.

The Commission can see no significant effect that the proposed service would have on recreational and park areas or historical and aesthetic values. By providing a presently unavailable mode of communication, the service would enhance community values. The application shows, with certainty, that the project

involved in this proceeding will not have a significant effect on the environment.

The Commission finds that:

1. The public has need for the proposed services which are not presently available or obtainable by the use of other services in the city of Napa and neighboring territory in Napa County.

2. Public convenience and necessity require that applicant construct and operate a radiotelephone and paging service within the 39 and 43 dbu contours shown on the map included in Exhibit 1 attached to the application.

3. The rates proposed by applicant are fair and reasonable for the services to be rendered.

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.

The certificate herein granted and any to be granted for the exercise of any permit or license shall be subject to the following proviso:

Applicant is placed on notice that operative rights, as such, do not constitute a class of property which may be capitalized or used as an element of value in rate fixing for any amount of money in excess of that originally paid to the State as the consideration for the grant of such rights. Aside from their purely permissive aspect, such rights extend to the holder a full or partial monopoly of a class of business. This monopoly feature may be modified or canceled at any time by the State, which is not in any respect limited as to the number of rights which may be given.

O R D E R

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to William H. Colclough, doing business as Silverado Communications, authorizing him to construct and operate a common carrier mobile radiotelephone and paging system in the city of Napa and in neighboring territory in Napa County within the 39 and 43 dbu contours as shown on the map, included in Exhibit 1 attached to the application.
2. Applicant is authorized to file, after the effective date of this order, the schedule of rates and charges set forth in Exhibit 7 attached to the application, to be effective on or before the date service is first rendered to the public under the authority herein granted, and rules governing service to subscribers, tariff service area maps, and sample copies of printed forms normally used in connection with subscribers' services, in accordance with the requirements of General Order No. 96-A. Such rates, rules, tariff service area maps, and forms shall become effective on five days' notice to this Commission and to the public as hereinabove provided.
3. Applicant shall notify this Commission, in writing, of the date service is first rendered to the public under the rates and rules authorized herein, within ten days thereafter.
4. Applicant shall file with this Commission copies of all annual reports made to the Federal Communications Commission.

5. Applicant shall determine accruals for depreciation by dividing the original cost of the depreciable utility plant, less estimated future net salvage and less depreciation reserve, by the estimated remaining life of the depreciable plant. Applicant shall review the accruals as of January 1, following the date service is first furnished to the public under the rates and rules authorized herein and thereafter when major changes in depreciable utility plant composition occur, and at intervals of not more than five years. Results of these reviews shall be submitted to this Commission.

6. Applicant shall maintain his books of account in accordance with the Uniform System of Accounts for Radiotelephone Companies as prescribed by this Commission.

7. The certificate herein granted and the authority to render service under the rates and rules authorized herein will expire if not exercised within one year after the effective date of this order.

The effective date of this order shall be twenty days after the date hereof.

Dated at San Francisco, California, this 9th day of MARCH, 1977.

Robert B. ...
President

Vernon L. ...

George ...

Michael D. ...
Commissioners

Commissioner William Symons, Jr., being necessarily absent, did not participate in the disposition of this proceeding.