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Decision No. 91123 DEC 18 1979

ORIGINAL

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)

ORDER MODIFYING DECISION NO. 87077

By petition filed November 5, 1979, William H. Colclough, dba Silverado Communications (Applicant), seeks a modification of Decision No. 87077 to extend the period during which the authority therein granted must be exercised.

Decision No. 87077 granted to Applicant a Certificate of Public Convenience and Necessity and authorized Applicant to construct and operate a common carrier mobile radiotelephone and paging system in Napa County. Rates and charges for the new services were authorized as proposed in the application. The authority granted by Decision No. 87077 was subject to expiration if not exercised within one year after the effective date of the order, as specified in Ordering Paragraph 7. This Commission issued Decision No. 87077 on March 9, 1979, on an ex parte basis, having received no protests to the application.

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Subsequent to the issuance of Decision No. 87077, Applicant filed its application with the Federal Communications Commission (FCC) for authority to construct and operate the radio station facilities necessary to provide the services authorized by Decision No. 87077. Applicant's FCC filing was protested on the grounds of alleged harmful co-channel interference. Applicant advised this Commission's staff of the delays encountered in its efforts to secure FCC operating authority and requested a one-year extension in the proviso of Ordering Paragraph 7 of Decision No. 87077. On September 7, 1979, the FCC granted to Applicant a license to operate a radio station.

Applicant is now prepared to exercise the authority granted by Decision No. 87077 and seeks a modification of that decision to extend the period during which the authority must be exercised to June 30, 1980. Applicant's request for modification was served on all contiguous public utilities, and no protests to Applicant's request have been received.

In Decision No. 87077, we found that the public has need for the services that Applicant proposed to render, and that public convenience and necessity require that Applicant construct and operate a radiotelephone and paging service in the area of Napa County. We are aware of no changes in circumstance that should require us to modify our earlier findings. The authority granted by Decision No. 87077 is based on public need and should be extended to permit Applicant to satisfy that need. Inasmuch as notice of Applicant's request has been given and no protest has been received, a public hearing is not necessary.

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IT IS ORDERED that Ordering Paragraph 7 of Decision No. 87077 is modified to read as follows:

"7. The Certificate herein granted and the authority to render service under the rates and rules authorized herein will expire if not exercised by June 30, 1980."

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

Dated DEC 18 1979, at San Francisco, California.

John E. Gurnea  
President  
James L. Steenson  
Richard W. Howell  
Alvin J. Doolittle  
Samuel M. Jensen  
Commissioners