

C/33

ORIGINAL

Decision No. 91852 JUN 3 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application
of WILLIAM H. COLCLOUGH, dba
SEQUOIA COMMUNICATIONS, for a
Certificate of Public Convenience
and Necessity to Construct a New
Radiotelephone Utility System.

Application No. 57370
(Filed June 8, 1977)

ORDER MODIFYING DECISION NO. 88123

By petition filed March 13, 1980, William H. Colclough, dba Sequoia Communications (Applicant), seeks a modification of Decision No. 88123 to extend the period during which the authority therein granted must be exercised.

Decision No. 88123 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 western Mendocino County. Rates and charges for the new services were authorized as proposed in the application. The authority granted by Decision No. 88123 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. 88123 on November 22, 1977, on an ex parte basis, having received no protests to the application.

A. 57370 c/jj

Subsequent to the issuance of Decision No. 88123, 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. 88123. On December 28, 1978, the FCC granted to Applicant a license to operate a radio station. Applicant states protracted delays were encountered in obtaining necessary county use permits and height limit variances. These delays have resulted in Applicant's request for a modification of Decision No. 88123.

Applicant is now prepared to exercise the authority granted by Decision No. 88123 and seeks a modification of that decision to extend the period during which the authority must be exercised to August 31, 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. 88123 we found that the public has need for the services that Applicant propose^s to render, and that public convenience and necessity require that Applicant construct and operate a radiotelephone and paging service in the area of western Mendocino County. We are aware of no changes in circumstance that should require us to modify our earlier findings. The authority granted by Decision No. 88123 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. SS

A. 57370 C/JJ

IT IS ORDERED that Ordering Paragraph 7 of Decision No. 88123 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 August 31, 1980."

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

Dated JUN 3 1980, at San Francisco, California.

John E. Byron President
William L. Stanger
Robert D. Howell
Donald J. Smith Commissioners

Commissioner Claire T. Dedrick, being necessarily absent, did not participate in the disposition of this proceeding.