

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF AMERICAN PAGING, INC., )  
(OF KENTUCKY) FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT ) CASE NO. 9680  
TWO ADDITIONAL PAGING SITES TO EXTEND ITS )  
EXISTING SYSTEM )

O R D E R

On July 30, 1986, American Paging, Inc., ("American Paging") received a certificate of public convenience and necessity to provide radio paging service in the Louisville, Jefferson County area and the Lexington, Fayette County area.

On July 3, 1986, American Paging filed a formal request with the Kentucky Public Service Commission ("Commission") to add two antenna sites to its existing system, which would enable American Paging to provide continuous operation between Louisville and Lexington. The Commission has treated this request as an application for a certificate of public convenience and necessity to allow American Paging to construct and operate the proposed paging sites.

On September 11, 1986, a letter was sent from the Commission to American Paging citing several filing deficiencies related to its July 3, 1986, request. The information requested in the letter was filed with the Commission on September 29, 1986.

On October 10, 1986, competitors of American Paging were notified of the application and were asked to comment by October

30, 1986. The Commission received responses from Radio Communications Corporation ("RCC"), Radio Enterprises of Kentucky, Inc., d/b/a Metro Page, Comtel, and Metrotec. RCC, Comtel, and Metrotec provided comments on American Paging's application but did not request specific action; however Metro Page protested the application and requested a public hearing.

On January 19, 1987, the Commission ordered American Paging to demonstrate a specific need for the proposed wide area service. In addition, American Paging was given the opportunity to respond to the comments and protest from its competitors. On February 6, 1987, American Paging filed its response and requested confidentiality pursuant to 807 KAR 5:001, Section 7, for Exhibits A and B of that response.

The Commission notes the concerns filed by American Paging's competitors. These concerns are primarily in regards to the present level of competition. The Commission is of the opinion that, in view of the highly competitive situation that already exists in the proposed service area, it would be unfair to further delay granting approval of American Paging's application solely on the basis that a competitive situation exists. American Paging, through operation of its Kentucky facilities and its paging facilities in other major cities, has sufficiently demonstrated its technical capacity to provide paging services. Also, American Paging has demonstrated specific need for the proposed expansion.

KRS 278.020 specifically states that the determination of whether to hold a public hearing on the issuance of a certificate is discretionary. Metro Page's application for a public hearing

has been reviewed and considered. The Commission does not believe that a public hearing on this matter would be sufficiently beneficial to warrant setting such a proceeding.

The Commission, having considered the evidence of record and being advised, is of the opinion and finds that:

(1) There is a public need for the proposed expansion.

(2) American Paging is financially and technically capable of providing the proposed service.

(3) American Paging should be granted a certificate of public convenience and necessity to construct and operate its proposed service.

(4) Metro Page's request for a public hearing should be denied.

(5) American Paging's request for confidential treatment of Exhibits A and B filed on February 6, 1987, should be approved.

IT IS THEREFORE ORDERED that:

(1) American Paging be and hereby is granted a certificate of public convenience and necessity to construct and operate two additional paging sites to extend its existing system.

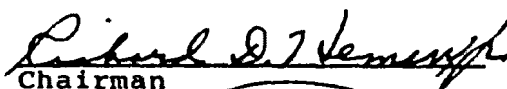
(2) American Paging shall file, upon receipt of the official Federal Communications Commission authorization for the additional sites, a copy of the said documents with this Commission.

(3) Metro Page's request for a public hearing be and hereby is denied.

(4) American Paging's request for confidential treatment of Exhibits A and B filed on February 6, 1987, be and hereby is approved.

Done at Frankfort, Kentucky, this 13th day of March, 1987.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

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Executive Director