

VETOES

service area or territory already served by such carrier, (4) any extension into territory contiguous to that already served by the carrier and not receiving similar service from another carrier when no certificate of convenience and necessity has been issued to or applied for by any other radio common carrier, and (5) the acquisition, construction and operation of any plant or system heretofore constructed under authority of a certificate of convenience and necessity hereafter issued. The Commission is authorized to prescribe appropriate and reasonable rules and regulations governing the issuance of the certificates.

(b) Any company not presently franchised or certificated by the Commission as a radio common carrier but engaged in the operation of any radio common carrier system licensed by the Federal Communications Commission on July 1, 1971, shall, upon qualification as a public service company, receive a certificate of convenience and necessity from the Commission authorizing the company to continue the operation of the radio common carrier in the territory professed to be served by that company on July 1, 1971, if, within ninety days after this act becomes effective, that company shall file with the Commission an application for the certificate, including copies of any license or licenses issued by the Federal Communications Commission to that company, showing the area professed to be served by that company.

(c) Any radio common carrier operating under a certificate of convenience and necessity issued by the Commission shall be subject to the jurisdiction of the Commission in the same manner and to the same extent as other public service companies under the laws of this State.

(d) (1) The Commission may grant a certificate for a proposed radio common carrier operation or extension thereof if the applicant for the certificate has obtained an allocation of radio frequency from the proper federal authority and if the Commission determines that the granting of the certificate is consistent with the public welfare and convenience.

(2) In making its determination, the Commission shall consider the qualifications of the applicant, the services proposed to be rendered and the rates proposed to be charged by the applicant, the potential demand for and the availability of radio common carrier services in the area proposed to be served, and all other factors the Commission considers relevant.

(3) The Commission by regulation shall adopt procedures to assure expeditious disposition of applications filed under this subsection.

(e) The provisions of this article relate only to "radio common carriers" as defined herein and are distinguishable from mobile radio telephone service offered by land line telephone or telegraph utilities regulated by the Commission.