

Decision 88-03-029 March 9, 1988

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
CELLULAR ONE OF BAKERSFIELD for a )  
Certificate of Public Convenience )  
and Necessity under Section 1001 )  
of the Public Utilities Code of the )  
State of California for authority )  
to construct and operate a domestic )  
public cellular radio tele- )  
communications service in the )  
Bakersfield Metropolitan Statistical )  
Area; and requests for interim )  
operating authority. )

Application 87-12-040  
(Filed December 21, 1987)

INTERIM OPINION

Applicant Cellular One of Bakersfield, a California corporation, seeks a certificate of public convenience and necessity (CPC&N) to construct and operate a new domestic public cellular radio telephone service to the public within the Bakersfield Metropolitan Statistical Area (MSA), in Kern County.

In its application, applicant sought interim authority to begin construction at its own risk, pending Commission certification, if granted. Applicant sought authority to construct its mobile telephone switching office (MTSO) and five low-powered transmitter-receiver facilities, each of which provide service in a defined area or cell. Applicant states that its predecessor in interest, the Bakersfield Cellular Telephone Company (BCTC), obtained its Federal Communications Commission (FCC) construction permit on September 26, 1986. Under FCC rules construction must be completed within 18 months after the permit is obtained, or by March 26, 1988. However, because of ownership transfers from BCTC to American Cellular Communications Properties (ACCP), a Delaware partnership, in progress during and since the pendency of Application (A.) 87-09-024 (see D. 88-01-017) and changes in system

design, applicant has not been able to file this application for certification as a facilities-based carrier until now. Mobile Communications Corporation of America (MCCA), a Delaware corporation, through its subsidiary, MCCA Cellular Holdings (MCCAHL), a Delaware corporation, owns a 50% interest in ACCP. BellSouth Corporation (BSC), a Georgia corporation, through its subsidiary BellSouth Enterprises, Inc. (BSE), a Georgia corporation, and BCE's subsidiary, Augusta Cellular Corporation (ACC), a Georgia corporation, owns the remaining 50% interest in ACCP. Applicant is a wholly owned subsidiary of ACTC Holdings, Inc. (Holdings), a Delaware corporation, which, in turn, is a wholly owned subsidiary of ACCP. A corrected organizational chart replacing Exhibit A to the application transmitted by letter to the Commission dated January 12, 1988 (Exhibit 1) is reproduced as Attachment A to this decision. That letter states that ACCP has assigned its rights to the FCC permit in question to applicant.

On December 22, 1987, the FCC approved of the transfer of control of the corporation holding the common carrier radio station construction permit from BCTC, formerly known as Metro Cellular Telecommunications, Inc, to applicant. D.88-01-017 authorizes BCTC to provide cellular resale service in Fresno, Kern, and Tulare counties within the Fresno, Kern, and Visalia MSAs. A copy of the January 22, 1988 FCC approval of the assignment of BCTC's construction permit to applicant was transmitted by letter to the Commission dated February 3, 1988 (Exhibit 2).

Due to the time lag between the filing and the certification, applicant did not believe it could meet the FCC deadline without interim authority. Failure to meet the deadline could result in the loss of its FCC authority. In addition, Contel Cellular, an affiliate of Continental Telephone Company has been awarded authority to provide wireline "B" block cellular carrier service in the Bakersfield MSA and has already instituted service in that marketplace. Since applicant proposes to enter into the

market as the "A" block cellular carrier in competition with an operational B-block cellular system, it seeks to commence service as soon as possible. Therefore, it requested the Commission issue an interim order authorizing it to construct, at its own risk, its mobile telephone switching office (MTSO) and facilities at five proposed cell sites and to make the order effective immediately. Applicant states "...it being understood that service may not be offered to the public thereon unless and until Applicant's certification request is granted..."

Exhibit J attached to the application is applicant's Proposed Environmental Assessment (PEA) filed to comply with the California Environmental Quality Act (CEQA). During the environmental review the United States Fish and Wildlife Service (Wildlife) requested applicant to survey four of the five proposed cell sites to evaluate the possible impact of construction on endangered species. By letter to the Commission dated January 11, 1988 (Exhibit 3), applicant states that since the time required for the survey makes it impossible to immediately publish a mitigated Negative Declaration for the project as a whole, it seeks a mitigated Negative Declaration for its proposed Cell Site One and MTSO which are not subject to that survey request. Applicant further states that as a condition of the construction permit, the FCC would require that construction be substantially under way, rather than completed, by March 26, 1988. Therefore, it seeks an interim decision to authorize construction at those two sites. Applicant cites Decision (D.) 83-06-080 authorizing the Los Angeles SMSA Limited Partnership to construct but not operate a cellular system and D.87-12-052 authorizing Napa Cellular Telephone Company to construct but not operate a portion of its cellular system as precedents for this procedure.

The signal obtained from operation of the MTSO and Cell Site One would only cover a small portion of the MSA, limiting the potential service area and the number of customers who could be

served. Applicant requires operation of five cells in the MTSO to meet potential service demands in the MSA. The one-cell system would not adequately serve the MSA and it would probably not be a financially viable system. The partial system would not meet the service goals of the FCC adopted by the Commission. After the five-cell system is installed, environmental information for additional towers needed for cell-splitting or expansion to peripheral areas will be referred to our staff to determine whether the Commission requires supplemental environmental documentation to comply with CEQA.

At this time, we will review the MTSO and Cell Site One for compliance with environmental requirements and determine whether a partial CPCN can be granted for construction of those two facilities. Approval of the CPCN to authorize construction of the remaining towers is conditioned upon satisfactory completion of environmental review for the additional facilities. The supplemental PEA for four cell sites was sent to the Commission on February 16, 1988. The Commission staff released a mitigated Negative Declaration for these sites on March 3, 1988.

The application was filed with the Commission on December 21, 1987. Notice of the filing of the application was published in the Commission's Daily Calendar on December 24, 1987. The application was deemed complete and accepted for filing in accordance with Government Code Section 65950. There were no protests to granting the application.

A Negative Declaration describing the MTSO and Cell Site One was issued by the Commission staff on January 20, 1988. The environmental review period ended on February 8, 1988. Wildlife states that conditions 5 to 7 of the Proposed Negative Declaration reproduced below satisfies its concerns on the limited project. Wildlife requests that the results of the on-site surveys for federally listed, proposed, and candidate species for the remaining four sites be furnished to it for its review and comments.

Comments on the Negative Declaration were received from the Department of Transportation, Division of Aeronautics of the State of California (Aeronautics) and are discussed below under the heading "Environmental Review".

#### Summary of Decision

We adopt the Negative Declaration and the related Notice of Publication copied as Appendix A attached to this decision with one minor correction substituting Paladeno Drive for Poor Drive in the description of the location of Cell Site One. Appendix B attached to this decision is a Notice of Determination which will be sent by the Commission to the Secretary for Resources on the one cell and MTSO project.

This decision grants applicant a CPC&N limited to construction of the MTSO and Cell Site One under Section 1005(a) of the Public Utilities (PU) Code.<sup>1</sup> Applicant will be authorized to construct its proposed MTSO and Cell Site One located in the Bakersfield MSA prior to Commission issuance, if any, of a certificate authorizing construction and operation of the entire system.

#### Environmental Review

The applications a PEA prepared in accordance with the CEQA and Rule 17.1 of our Rules of Practice and Procedure. Rule

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1 "1005. (a) The commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the construction of a portion only of the contemplated street railroad line, plant, or system, or extension thereof, or for the partial exercise only of the right or privilege, and may attach to the exercise of the rights granted by the certificate such terms and conditions, including provisions for the acquisition by the public of the franchise or permit and all rights acquired thereunder and all works constructed or maintained by authority thereof, as in its judgment the public convenience and necessity require; provided, however, upon timely application for a hearing by any person entitled to be heard thereat, the commission, before issuing or refusing to issue the certificate, shall hold a hearing thereon.

17.1 requires the proponent of a project for which this Commission is the lead agency to file sufficient information to enable the Commission to evaluate the project and to prepare a Negative Declaration or an Environmental Impact Report. The Commission staff has reviewed the environmental aspects of the proposed initial construction project for the MTSO and Cell Site One and the associated mitigation measures and based on this review, prepared a draft Negative Declaration.

The Negative Declaration concludes that the two sites for this project will not have any substantial adverse effects on the environment if applicant complies with the conditions incorporated into the Negative Declaration. Those conditions, which will be adopted in this decision, are:

- "1. The applicant will consult with the appropriate local public agencies on project details such as the design, color, and type of materials used in the antenna towers, the specific configuration of equipment on each facility site, and any other relevant community building codes, provided such conditions or requirements do not render the project site infeasible. While it is the PUC's [Public Utilities Commission's] intent that local concerns be incorporated into the design, construction, and operation of this system, no additional permits from local authorities are required as a condition of this certificate.
- "2. The Applicant will consult with Federal Aviation Administration, local county department of airports, or other appropriate aviation agencies concerning the need for tower lighting, height, or placement prior to construction of each cell antenna.
- "3. For additional antenna sites to serve the Bakersfield SMSA, the Applicant shall submit environmental information to the PUC prior to construction of such antennas. The PUC will review this material and determine at that time the appropriate

environmental documentation necessary required in accordance with the provisions of the California Environmental Quality Act.

- "4. For future expansion antenna sites which would allow the system to serve a larger area, the Applicant shall submit environmental information to the PUC prior to construction of such antennas. The PUC will review this material and determine at that time whether any supplemental environmental documentation is required in accordance with the provisions of the California Environmental Quality Act.
- "5. The Applicant will inform construction, operation and maintenance crews of the potential presence of the San Joaquin kit fox and its endangered status at the site of Cell #1 and will instruct construction and maintenance crews to exercise appropriate caution.
- "6. At a level based upon the amount of disturbance, the Applicant will participate in the City of Bakersfield's Interim Mitigation Fee for the San Joaquin kit fox habitat.
- "7. The applicant will allow construction to proceed during daylight hours only and will allow access to the construction site only during the daylight hours."

Aeronautics was concerned that applicant may not have filed a Notice of Proposed Construction or Alteration with the Federal Aviation Administration (FAA) to permit FAA review to determine if there is a possible obstruction or hazard to air navigation from the proposed project. Even if neither of those conditions existed, Aeronautics would not object to the proposal so long as the towers are lighted and marked as required by the FCC or FAA.

Applicant's PEA states that FAA clearance for the five cell sites and for the MTSO was granted on November 30, 1987. The

Negative Declaration did not indicate any FAA clearance had been obtained. BCTC filed FAA Notices of Proposed Construction or Alteration for all proposed construction sites. FAA stated that the proposal to construct Cell Site One and for the MTSO (a) did not require a notice to FAA and (b) obstruction marking and lighting are not necessary (see Exhibit 5). Aeronautics' concerns would be addressed by applicant's compliance with condition 2 above, in the Negative Declaration.

The Negative Declaration was issued on January 20, 1988. A Notice of Preparation was distributed to local property owners and public agencies on January 20, 1988 and was published for comment through February 8, 1988. Wildlife and Aeronautics submitted the only comments on the Negative Declaration. The conditions in the Negative Declaration meet Wildlife's and Aeronautics' concerns on the partial project. This decision adopts the Negative Declaration.

Other

No discussion is made in this decision on the reasonableness of applicant's proposed rates, or on the financial feasibility of its proposed operations.

Initial Construction Funding

The application states that present planning and legal activities on behalf of applicant are being funded by MCCA and BellSouth; applicant assumed vendor financing of equipment after the first year of operations for purposes of its projected income statement; but its owners are willing and able to advance funds to fund applicant's initial capital requirements and startup operating losses, if necessary. In Exhibits 2 and 4<sup>2</sup>, applicant states that ACCP's parents, MCCA and BSC, will fund the cost of

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<sup>2</sup> MCCA's financial statements were transmitted by letter dated February 5, 1988 (Exhibit 4).



construction authorized in this decision; therefore, no securities issues requiring Commission approval will be necessary at this time.

Since the vendor funding concept outlined in Exhibit F attached to the application would be for long-term debt, Commission approval will be needed to enter into such arrangements. Applicant may seek long-term authority in its amended filing or by separate application. Any such financing arrangement should comply with Rules 35 and 36 of the Commission's Rules of Practice and Procedure (Rules). The parent corporations, MCCA and BSC, which will fund ACCP and/or applicant, have the financial capability to provide the necessary construction funds (see Exhibits G and H attached to the application and Exhibit 4).

#### Proposed System

The operation of cellular radiotelephone systems has been described in several previous decisions of this Commission. This description recapitulates previous descriptions and emphasizes those features related to the present application.

The proposed system will be able to route signals between mobile phones and conventional or other mobile phones. The system will have four major groups of components: (1) the MTSO; (2) the cell sites (radio equipment); (3) the interconnecting facilities, some of which may be leased from Pacific Bell and some of which may be microwave facilities owned or leased by applicant; and (4) mobile or portable subscriber units. In Exhibit 2, applicant amplified its statement on the interconnection as follows:

"Applicant's interim interconnect arrangement will be 'Type 1', and will be obtained from AT&T at tariffed rates. Technically, Site No. 1 will be controlled from the cellular switch operated by the A Block carrier in Fresno (Fresno Cellular Telephone Company, whose Application 87-03-051 has been granted by the Commission). From the Fresno switch, traffic will be delivered on an interim basis to Pacific Bell's serving wire center for Bakersfield, California. The final arrangement

will most likely involve tariffed links between the permanent MTSO location in downtown Bakersfield and two end offices, i.e. that of Continental Telephone serving Taft, California, and that of Pacific Bell serving Bakersfield. These links will be obtained on tariffed terms which will be supplemented by the contract a copy of which is enclosed herewith."

The MTSO is the central coordinating point for the system. It controls the cellular system and connects with the telephone network, microwave facilities (if and when used), and cell sites. As a subscriber's cellular unit moves from the area covered by one cell to the area covered by another cell while a call is in progress, electronic equipment in the MTSO transfers or "hands-off" the call from one cell site to another. This automatic transferring assures continuity and enhances the service quality throughout a conversation as subscriber equipment is transferred from cell to cell. Generally there is an overlap between cell coverages. In instances where there is an apparent gap between cell coverages, outlined by 39 dBu signal strength contours, applicant states there are few if any obstructions between those cell sites. Therefore, based on experience with this type of equipment satisfactory signals will be received in those areas. As demand for service increases, the capacity of the system can be increased by adding channels, implementing sophisticated propagation use techniques, and "cell-splitting". If applicant is certificated and service problems develop, it may be necessary to augment the cellular system.

Applicant will utilize Ericsson switching equipment which is compatible with the Ericsson equipment used by adjacent Block A carriers in the Los Angeles and Fresno/Visalia CGSAs. This compatibility will enhance the ability of these carriers to compete with their Block B counterparts, and will permit wide-area, uninterrupted roaming on Block A frequencies as adjoining systems are built out.

The cell sites are fixed radio stations which receive signals from the mobile units and send signals to them. Each cell site serves a defined geographic area, a cell. The radio equipment at the cell site interfaces with mobile and portable units operating within the cell site's geographic area.

One of the five cell sites proposed by applicant will provide a usable signal in the Fresno MSA. Applicant states this arrangement is pursuant to an agreement with Fresno Cellular Telephone Company (Fresno), the adjacent carrier, with the approval of the FCC. All sites are physically located within the Bakersfield MSA. Applicant should furnish a copy of Fresno's agreement and of the FCC approval in its supplemental filings.

Request For Interim Authority

In addition to its need to promptly commence construction of the MTSO and Cell Site One, applicant desires to expedite the construction of the rest of its proposed system. It alleges that any delay in the start of such construction will unnecessarily extend the projected operating date of applicant's cellular system, and, as a consequence, will deny to the public those benefits, intended by Federal and State policy, to flow from expected and meaningful competition between the two authorized providers of cellular facility service in the Bakersfield MSA. Applicant asserts that the grant of the interim authority to construct these sites would serve the public interest by accelerating the date upon which applicant will begin to provide cellular service in competition with the service currently provided by Contel Cellular.

Applicant asserts that its projected in-service date for its frequency Block A cellular telephone system can be as early as July 1988, if interim authority is given prior to mid-February 1988. The authority granted by this order is limited to a CPCN to construct the MTSO and facilities at Cell Site One.

### Findings of Fact

1. Attachment A to this decision shows the corporate organization and ownership of applicant. Applicant is a California corporation which is wholly owned by Holdings, which is in turn owned entirely by ACCP. MCCA through its subsidiary, MCCAII, owns a 50% interest in ACCP. BSC through its subsidiary, BSE, and BSE's subsidiary, ACC, owns the remaining 50% interest in ACCP.

2. Applicant holds an FCC construction permit for a permit to construct an A Block cellular system in the Bakersfield MSA. Due to prior transfers of its FCC construction permit and design changes, applicant was delayed in filing the subject application.

3. The permit was originally issued by the FCC on September 26, 1986. Under FCC rules, construction of the system must be substantially underway by March 26, 1988 (18 months after issuance of the permit). In its application, applicant sought interim authority under PU Code Section 1005(a) to construct the system, without operating authority, at its own risk. Applicant could not meet the FCC deadline without the interim authority requested. It also seeks construction authority to accelerate putting its A Block cellular system into operation to improve its competitive position against Contel Cellular, the B Block cellular system in the Bakersfield MSA.

4. Applicant ultimately proposes to construct an MTSO in a five-cell system to serve the Bakersfield MSA. The signal from one of its cells will overlap into the Fresno MSA. It estimates it will serve 1,002 subscribers in the first year of its operations, growing to 4,258 subscribers in the fifth year of its operations.

5. Under Rule 17.1(d), applicant prepared a PEA for its entire system. It was required to undertake further environmental studies for cell sites 2 to 5 to evaluate the possible impact of construction on endangered species. It could not undertake those studies, have the environmental review completed, and meet the FCC construction deadline for the entire system. Therefore, applicant

requested the Commission to prepare a partial mitigated Negative Declaration for its MTSO and Cell One sites and to authorize it to construct those facilities in time for it to meet the FCC deadline.

6. Operation of the MTSO and Cell Site One would not provide adequate service in the MSA.

7. Immediate Commission authorization to construct the MTSO and Cell Site One is needed to enable applicant to meet the FCC deadline.

8. Applicant's parent companies will provide funding for the initial construction. They possess the resources necessary to undertake that funding.

9. The proposed system will use Ericsson equipment which will be compatible with the systems of adjacent A Block cellular systems.

10. The Commission does not, by this decision, determine that applicant's construction program is necessary or reasonable for ratemaking purposes. Those issues are normally tested in general ratemaking proceedings.

11. The Commission, acting as the lead agency under CEQA, has prepared a properly noticed and reviewed Negative Declaration for the proposed MTSO and Cell Site One project. The Negative Declaration was issued on January 20, 1988. The environmental review period ended on February 8, 1988. Wildlife and Aeronautics responded to the Negative Declaration. The conditions in the Negative Declaration meet Wildlife's and Aeronautics' concerns for the MTSO and Cell Site One.

12. The environmental impacts of the proposed action, as mitigated by the conditions listed in the Negative Declaration, are not significant.

13. A public hearing is not necessary in this matter.

14. Public convenience and necessity require the construction of one of the five cell sites to begin in advance of possible certification of the entire cellular system proposed by applicant.

Conclusions of Law

1. The request for a CPC&N limited to authority to construct the MTSO and Cell Site One to be located in the Bakersfield MSA should be granted.

2. The application was deemed complete and accepted for filing in accordance with Government Code Section 65950. The attached Negative Declaration for the MTSO and Cell Site One (Appendix A) should be adopted with the street name correction noted above.

3. The authority granted herein is not a guarantee of any action the Commission may take in its final decision on the application. We will complete our evaluation of this application after the environmental review of the supplemental PEA for four cell sites has been completed.

4. The following order should be effective on the date the order is signed because public convenience requires prompt construction of the MTSO and Cell Site One located in the Bakersfield MSA in order that applicant may be in a position to meet the FCC deadline.

INTERIM ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to applicant Cellular One of Bakersfield limited to the construction at applicant's risk of a mobile telephone switching office and Cell Site One within the Bakersfield MSA, at the following locations:

- a. Northeast corner of Truxton Extension and Empire Drive in the City of Bakersfield.
- b. Approximately one-half mile east and one-quarter mile north of the intersection of Fairfax Road and Paladeno Drive, Bakersfield.

2. Applicant shall not operate this system in service to the public without further authorization from this Commission. There is absolutely no guarantee that such operating authority will be forthcoming.

3. The Commission adopts the attached Negative Declaration (Appendix A), including the mitigation measures ordered therein, and directs the Executive Director to file the attached Notice of Determination (Appendix B) approving the Negative Declaration with the Office of Planning and Research.

4. This application is granted as set forth above.  
This order is effective today.

Dated March 9, 1988, at San Francisco, California.

STANLEY W. HULETT  
President  
DONALD VIAL  
FREDERICK R. DUDA  
G. MITCHELL WILK  
JOHN B. OHANIAN  
Commissioners

I CERTIFY THAT THIS DECISION  
WAS APPROVED BY THE ABOVE  
COMMISSIONERS TODAY.

*Victor Weiss*  
Victor Weiss, Executive Director.

ATTACHMENT A

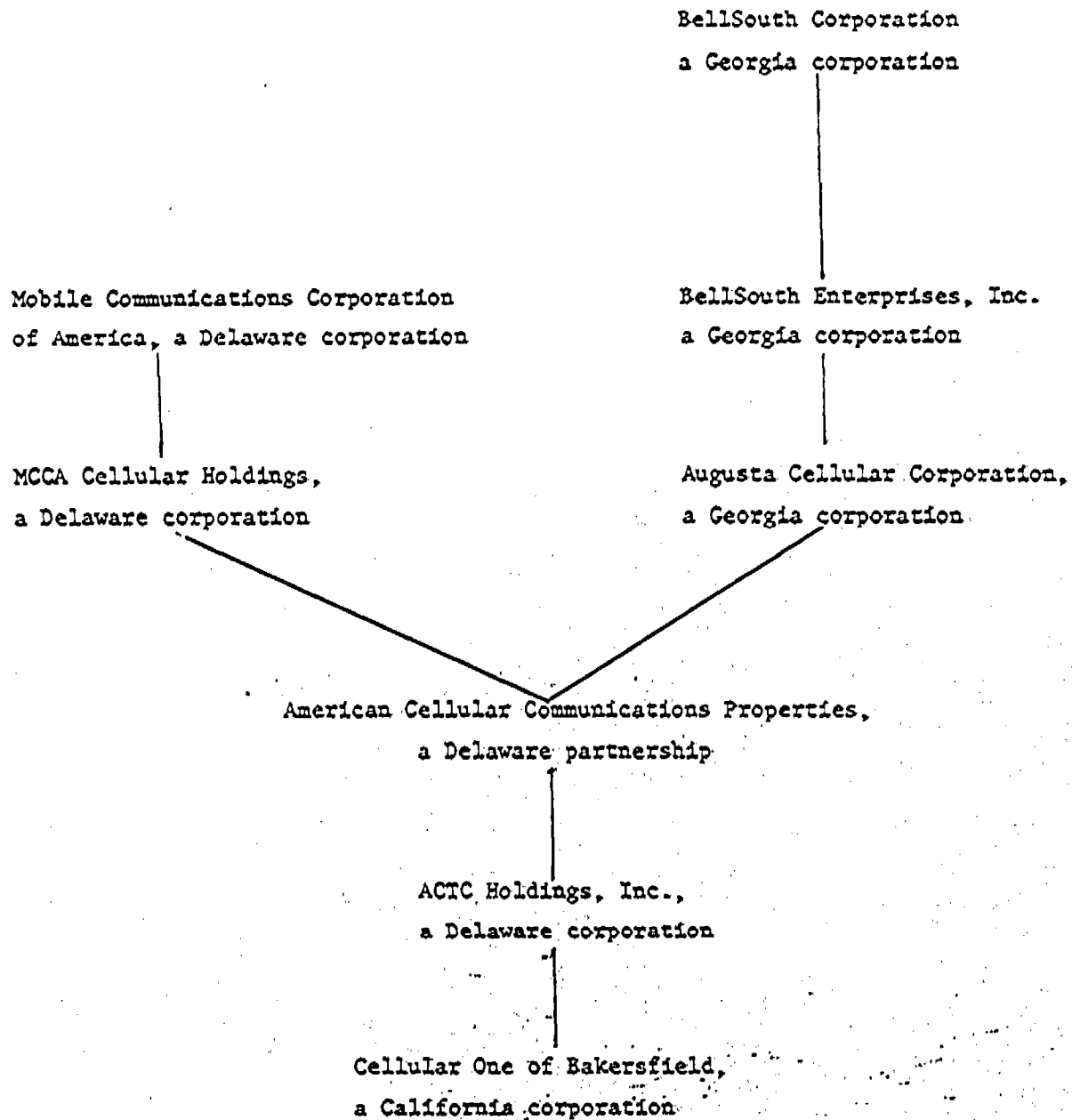


EXHIBIT A



## NOTICE

PUBLICATION OF A NEGATIVE DECLARATION  
CALIFORNIA PUBLIC UTILITIES COMMISSION

Description of Proposed Action: Cellular One of Bakersfield, a licensee of the Federal Communications Commission, has applied to the California Public Utilities Commission (PUC) for interim approval of a Certificate of Public Convenience and Necessity for the installation and operation of a mobile telephone system to serve the Bakersfield Standard Metropolitan Statistical Area (SMSA) in Kern County. A Negative Declaration has been prepared for two facilities within the proposed system in compliance with the provisions of the California Environmental Quality Act. This document and the accompanying Initial Study are now available for public review.

Document Available for Review: The PUC has prepared an Initial Study and Negative Declaration describing the proposed project, its environmental impacts, and the conditions that will be imposed to ensure the project will not cause any significant environmental impacts.

Where Document Can Be Reviewed: The subject Negative Declaration may be reviewed at the offices of the California Public Utilities Commission, 1107 - 9th Street, Suite 710, Sacramento, CA, or at 505 Van Ness, PUC Information Center, San Francisco, CA. Copies can be obtained by calling the PUC at (415) 557-2400.

Review Period: The subject Negative Declaration is available for a 20-day public review period from January 20, 1988 to February 8, 1988. Comments must be received in writing by close of business on February 8, 1988. Written comments should be addressed to:

Ms. Elaine Russell  
California Public Utilities Commission  
1107 - 9th Street, Suite 710  
Sacramento, CA 95814

## NEGATIVE DECLARATION

PURSUANT TO DIVISION 13  
CALIFORNIA PUBLIC RESOURCES CODE

Project Description: The California Public Utilities Commission (PUC) proposes to grant interim approval for a Certificate of Public Convenience and Necessity to Cellular One of Bakersfield for the installation and operation of a mobile telephone system to serve Kern County.

The proposed project consists of the installation of new antennas and a Mobile Telephone Switching Office (MTSO) within Kern County. The applicant has been licensed by the FCC to serve the Bakersfield, California cellular market. The applicant currently seeks the interim approval of the California Public Utilities Commission to operate as a cellular telephone utility in the Bakersfield area, and to construct the MTSO and the antenna at Site #1. Other antenna sites will be added in the future to provide service to the full SMSA. In addition to the MTSO and antenna site #1, four other antenna sites have been proposed, but require additional environmental study before PUC approval. Approval of the MTSO and antenna site #1 will not result in automatic approval of other antenna sites, as those sites can be moved.

This document is designed to discuss both non-site specific environmental effects that would be true of any site location and the environmental effects of the project at the proposed sites for the MTSO and Antenna Site #1.

Findings: An Initial Environmental Study (attached) was prepared to assess the project's effects on the environment and the significance of those effects. Based upon the initial study, the project will not have any substantial adverse effects on the environment. This conclusion is supported by the following findings:

1. The proposed telephone system will not have a significant effect on the geology, soils, climate, hydrology, vegetation, or wildlife of the antenna or switching office sites. The site of Cell #1 is within the territory of the San Joaquin kit fox, but contains no dens. Compliance with mitigation measures outlined in this document will reduce the potential effect on wildlife to an insignificant level.
2. The proposed telephone system will not have a significant effect on municipal or social services, utility services, or community structure.
3. The proposed telephone system will not have a significant adverse effect on air or water quality, the existing circulation system, ambient noise levels, or public health.
4. Because individual telephone systems operate at a low power level in frequency bands well separated from television and ordinary broadcasting frequencies, no significant interference with radio or television reception is anticipated.

5. While the new towers will be visible from some surrounding areas, the visual impacts are minimized because of the distance between most viewers and the antenna sites, the specific locations of the antenna sites (commercial or rural settings), and their respective designs. All the antenna sites have been selected so as to minimize their respective environmental impact, while still providing the precise radio coverage required by the PUC.

To assure that significant adverse effects do not occur as a result of this project, the following conditions are incorporated into this Negative Declaration:

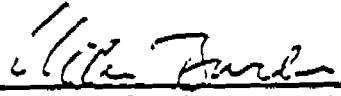
1. The applicant will consult with the appropriate local public agencies on project details such as the design, color, and type of materials used in the antenna towers, the specific configuration of equipment on each facility site, and any other relevant community building codes, provided such conditions or requirements do not render the project site infeasible. While it is the PUC's intent that local concerns be incorporated into the design, construction, and operation of this system, no additional permits from local authorities are required as a condition of this certificate.
2. The Applicant will consult with Federal Aviation Administration, local county department of airports, or other appropriate aviation agencies concerning the need for tower lighting, height, or placement prior to construction of each cell antenna.
3. For additional antenna sites to serve the Bakersfield SMSA, the Applicant shall submit environmental information to the PUC prior to construction of such antennas. The PUC will review this material and determine at that time the appropriate environmental documentation necessary required in accordance with the provisions of the California Environmental Quality Act.
4. For future expansion antenna sites which would allow the system to serve a larger area, the Applicant shall submit environmental information to the PUC prior to construction of such antennas. The PUC will review this material and determine at that time whether any supplemental environmental documentation is required in accordance with the provisions of the California Environmental Quality Act.
5. The Applicant will inform construction, operation and maintenance crews of the potential presence of the San Joaquin kit fox and its endangered status at the site of Cell #1 and will instruct construction and maintenance crews to exercise appropriate caution.
6. At a level based upon the amount of disturbance, the Applicant will participate in the City of Bakersfield's Interim Mitigation Fee for the San Joaquin kit fox habitat.

7. The applicant will allow construction to proceed during daylight hours only and will allow access to the construction site only during the daylight hours.

Copies of this Negative Declaration and Initial Study may be obtained by addressing a request to the preparer:

California Public Utilities Commission  
1107 - 9th Street, Suite 710  
Sacramento, CA 95814

Attention: Elaine Russell  
(916) 324-6195

  
Mike Burke, Regulatory and Environmental Coordinator  
California Public Utilities Commission

## VI. DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find the proposed project COULD NOT have a significant effect on the environment. A NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in this Initial Study have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ☐ I find the proposed project MAY have significant effects on the environment and an ENVIRONMENTAL IMPACT REPORT is required.

Date 1-19-88



Mike Burke  
Regulatory & Environmental Coordinator

CALIFORNIA PUBLIC UTILITIES COMMISSION  
INITIAL ENVIRONMENTAL STUDY  
CHECKLIST

Project Title: Cellular One of Bakersfield

Kern County

Study Date: January 19, 1988

## I. BACKGROUND INFORMATION

A. Name of Project:

Cellular One of Bakersfield

B. Project Description:

Cellular One of Bakersfield, a licensee of the Federal Communications Commission, has applied to the California Public Utilities Commission (PUC) for interim approval of a Certificate of Public Convenience and Necessity for the installation and operation of a mobile telephone system to serve the Bakersfield Standard Metropolitan Statistical Area (SMSA) in Kern County.

This cellular system would ultimately consist of a number of cell sites or transmitting/receiving stations located in the cellular geographic service area (CGSA). The applicant is seeking interim approval of the system's mobile telephone switching office (MTSO) and Cell #1. The system's mobile telephone switching office (MTSO) will be located at the northeast corner of Truxton Extension and Empire Drive in the City of Bakersfield. Cell #1 is approximately one-half mile east and one quarter mile north of the intersection of Fairfax Road and Paladeno Drive, Bakersfield.

The proposed cellular system is intended to provide a wide variety of local and long distance communications between fixed (office/home) and mobile (motor vehicles/portable units) stations or between two mobile units. Cellular telephones can be used for regular business and personal telephone conversations, as well as for emergency services such as police, medical, and fire agencies. This system would function as an extension of the present telephone network in Kern County. There is only one other mobile telephone service company that is licensed to serve the project area.

Mobile telephone systems operate by using low power radio transmitter/receivers situated near the center of small (2.5 to 10 mile diameter) geographical units called cells. Each mobile phone communicates using radio signals to or from the cell's antenna. The cell antennas are connected to a central switching office by wire lines or microwave units. The central switching office automatically passes a telephone conversation from cell to cell as the mobile unit moves through the service area. "Roamer agreements" permit similarly continuous service when units move between service areas.

On April 9, 1981, the Federal Communications Commission (FCC) adopted rules for the installation and operation of cellular telephone systems. The provisions include:

1. There will be two cellular systems per market area. Each defined market area is based upon standard metropolitan statistical areas.
2. Twenty (20) MHz is held in reserve for all land mobile services.
3. There are no limits on the number of markets that can be served by a single cellular mobile radio service (CMRS) operator.
4. Licensees and affiliates of licensees are allowed to manufacture radio equipment.
5. Telephone companies will be required to establish a fully separate subsidiary to provide CMRS.
6. Wire line companies must provide equal interconnection to all cellular systems.
7. The FCC will preempt the State jurisdictions with regard to licensing but will not regulate rates.
8. The FCC has found that point-to-point microwave and other regular cellular telephone radio transmissions do not pose a human health hazard if properly designed and constructed.

The California Public Utilities Commission's Rule 17.1 of Practice and Procedure entitled, "Special Procedure for Implementation of the California Environmental Quality Act of 1970" and the California Environmental Quality Act (CEQA) require an environmental review of all developmental projects before the PUC can issue a Certificate of Public Convenience and Necessity for a project, such as the proposed Kern County mobile telephone system.

The Company will propose additional sites to serve the Bakersfield SMSA. Depending upon demand, the Company may also consider expanding this system to provide cellular telephone service to other portions of the project area in the future. The installation of antennas not covered in this document would require additional environmental review by the Commission.

C. Project Setting:

As noted above, the proposed cellular telephone system will initially consist of one radio tower and a centralized mobile telephone switching office (MTSO). Figure 1 displays the regional setting of the system, showing the antenna site for Cell #1 and the MTSO. Figures 2 and 3 show both sites in relation to



surrounding terrain features. The following is a description of these two project sites and the equipment that will be installed at each:

1. Cell 1 - Approximately one-half mile east and one quarter mile north of the intersection of Fairfax Road and Paladeno Drive, Bakersfield.

The antenna in this cell will be situated on the top of a hill on vacant land at the edge of an oil producing area. (See Figure 2) The City of Bakersfield Sanitary Landfill is approximately one quarter mile to the north of the property; County of Kern property (former landfill) is to the northeast of the site. A new (not yet completed) mobile home park is approximately one-half mile to the south. Other residential development to the southwest is approximately one mile distant. Transmission lines are also to the south of the site, between the residences and the site, and to the east of the site. The site is bare of vegetation, except for annual grasses.

The parcel is zone "A" - Agriculture; the Assessor's Parcel Number is 121-060-09-02.

Access to the site would be via public roads, and by easement granted by City Services Oil and Gas over an existing dirt road.

The facility will have a 170-foot guyed steel tower and a one story 12 feet by 30 feet concrete pre-engineered structure. Two microwave dish antennas and three 13-foot whip antennas will be mounted on the tower. With the antennas, the total height of the structure will be 183 feet.

Construction of the tower and the adjacent building will require some grading to provide a foundation. A six-foot chain link fence will surround the tower and the building, but not the guy wires. All associated electronic equipment will be housed in the small modular building to be installed at the base of the antenna.

2. Mobile Telephone Switching Office - Northeast Corner of Truxton Extension and Empire Drive, Bakersfield.

The MTSO will be on a vacant lot on industrial-zoned land within the City of Bakersfield. The site is adjacent to an existing office building, across Truxton Avenue Extension from the City of Bakersfield maintenance yard, and across Empire Drive from the City's fill storage area. Interstate 5 is approximately one-quarter mile east of the site. Electrical transmission towers are between the interstate and the site.

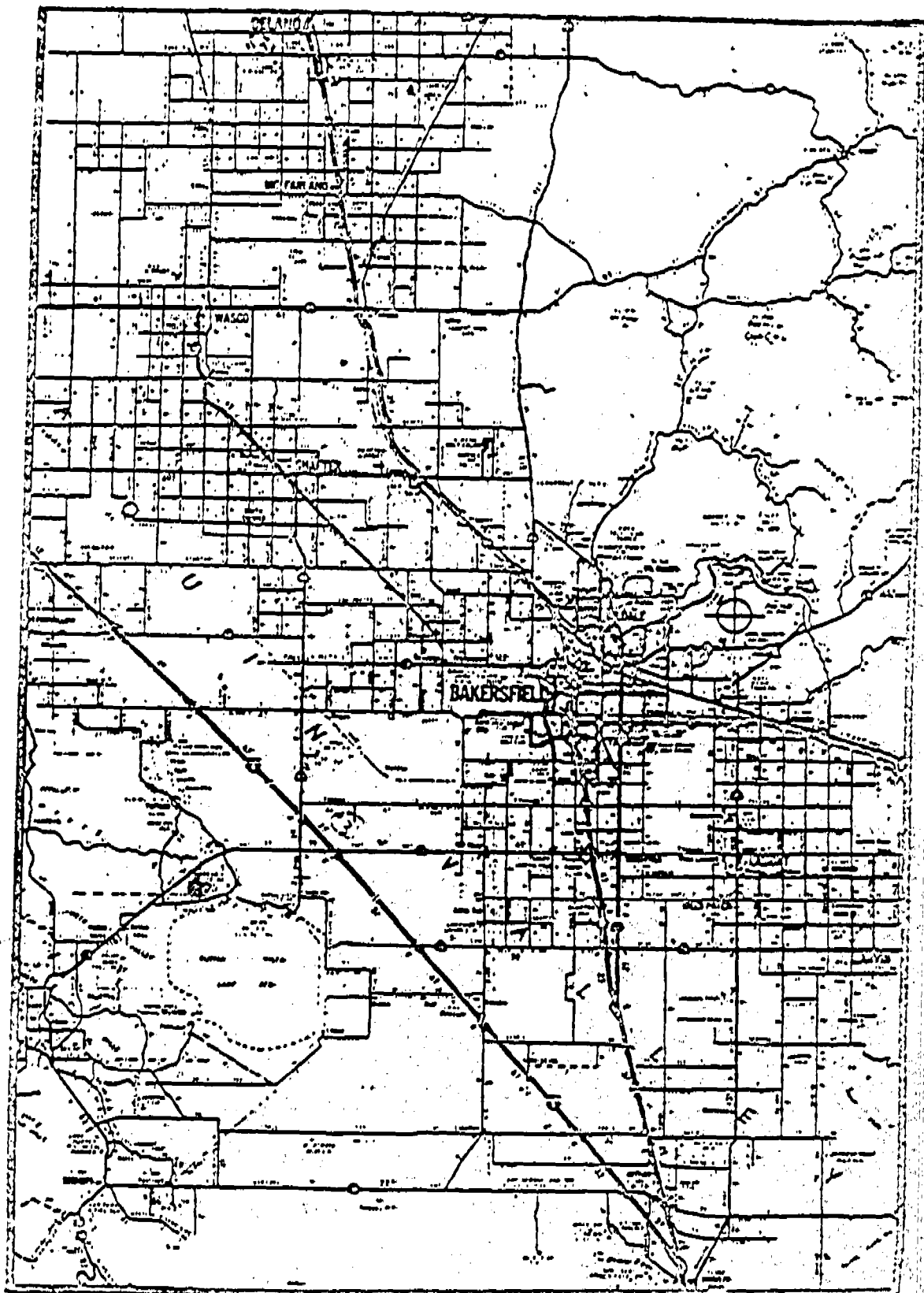


FIGURE 1

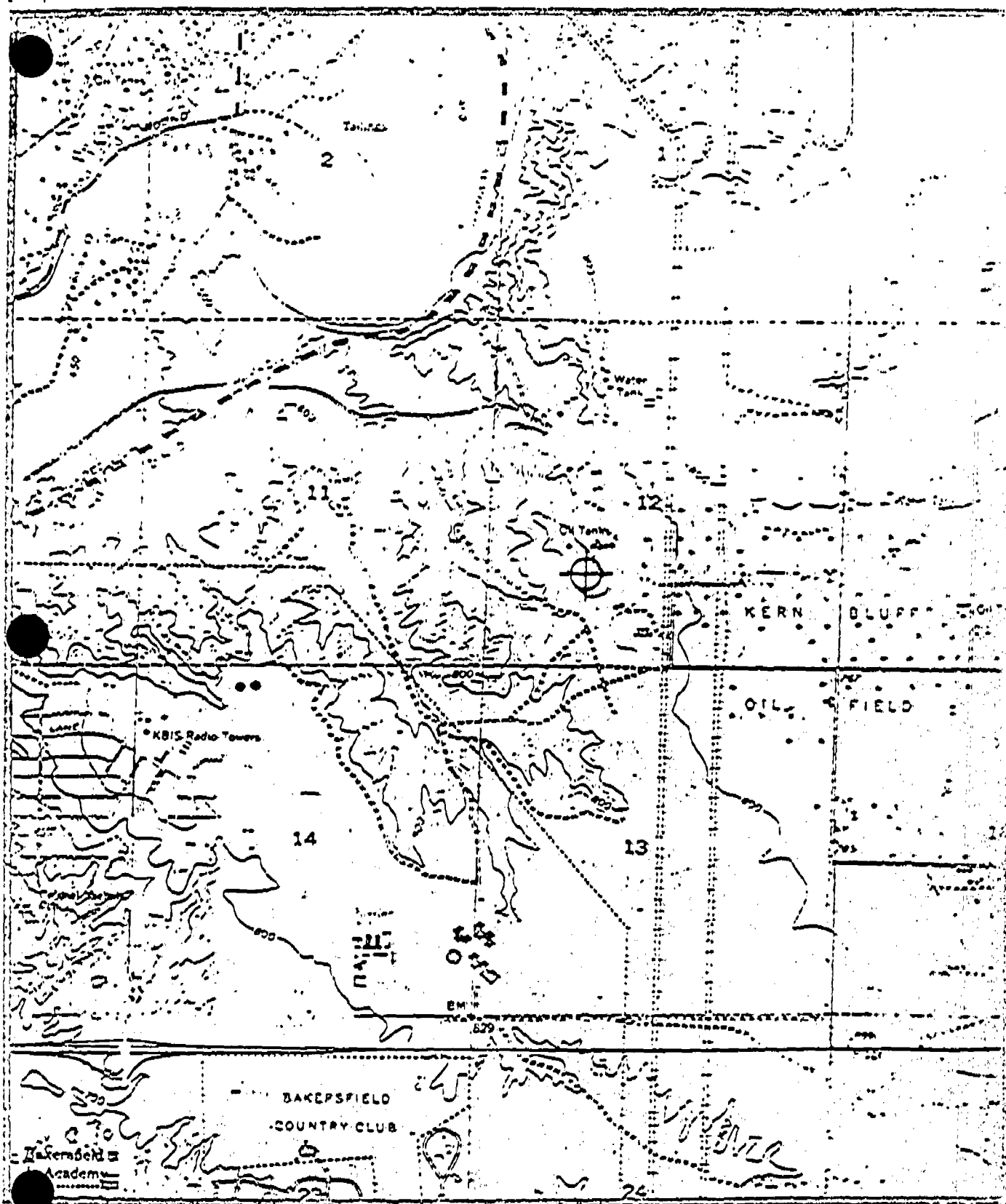


FIGURE 2

Cell Site #1

NEAR 2nd and 1st Sts. Bakersfield, CA

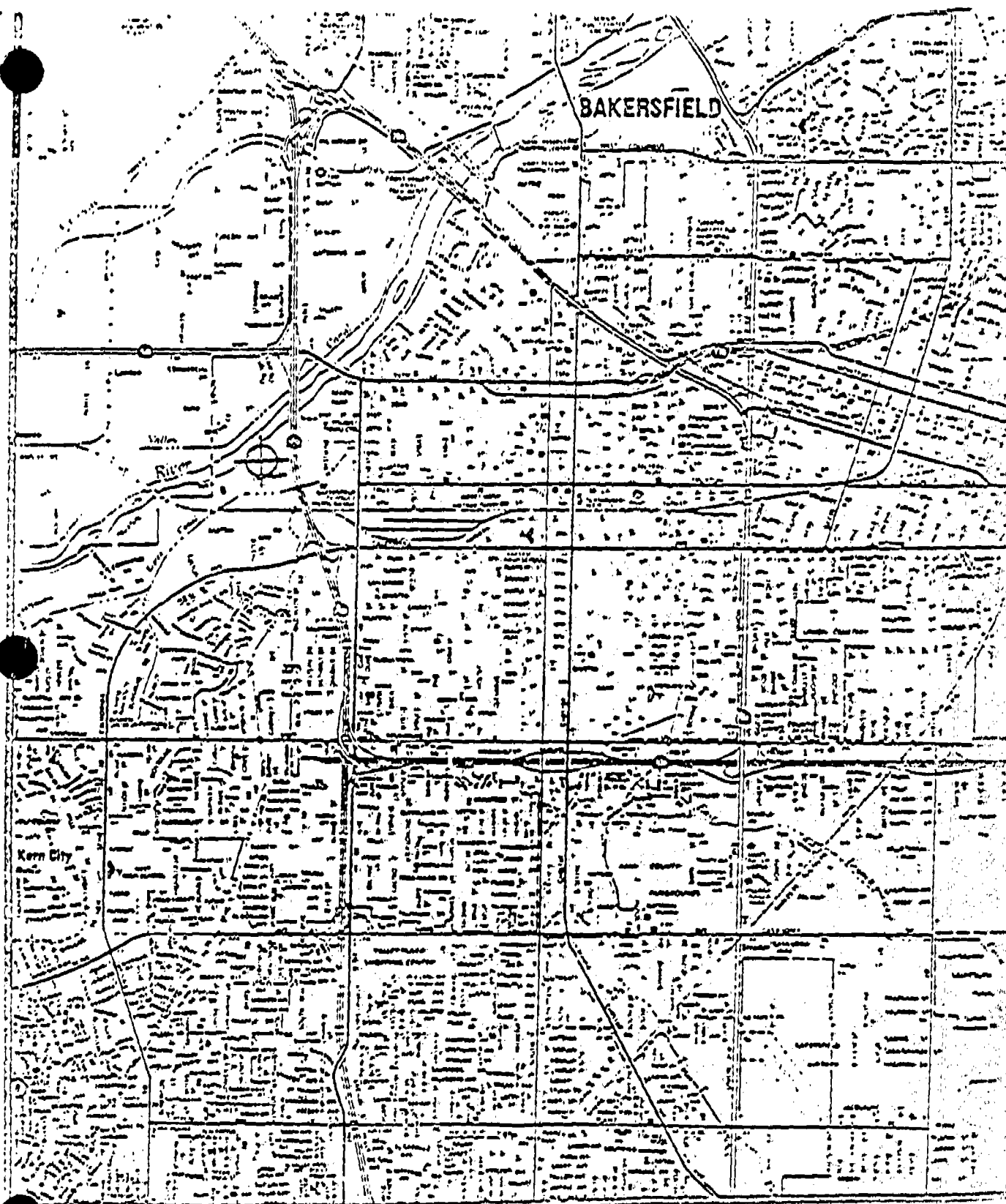


FIGURE 3

Mobile Telephone Switching Office

Northeast Corner, Truxtun Avenue Extension

A single building of 6,300 square feet will contain administrative offices, a cellular phone installation facility, and the switching offices. The antenna structure, containing 2 microwave dishes and 3 whip antennas on a 170-foot steel self-supported tower, will be in back of the building, at the rear of the parcel.

The operation will require approximately 10 employees. Visitation will be light, as most of the subscribers will contract with Cellular One of Bakersfield through the agent from whom they purchase their phones. The MTSO will, however, provide sales and installation services for customers not using other retail agents. The applicant is providing landscaping and parking stalls commensurate with the City's requirements.

The site has public access from Empire Drive.

D. Lead Agency Contact Person:

Ms. Elaine Russell  
Energy Resources Branch  
California Public Utilities Commission  
1107 - 9th Street, Suite 710  
Sacramento, CA 95814  
(916) 322-7316

E. Lead Agency:

California Public Utilities Commission  
505 Van Ness  
San Francisco, CA 94102

G. Responsible Agencies:

Except for the California Public Utilities Commission, no other State or local agencies have discretionary approval over cellular telephone systems.

## II. ENVIRONMENTAL IMPACTS

	Yes	Maybe	No
A. Geology/Geomorphology. Will the proposal result in:			..
1. Unstable earth conditions or changes in geologic substructures?	—	—	X
2. Changes in topography or any unique geologic or physical features of the site?	X	—	—

The foundations for some of the towers will require a minor amount of grading. This grading will result in a minor, insignificant modification of the existing topography of the project sites.

3. Exposure of people or property to major geologic hazards (earthquakes, slides, subsidence, liquefaction, volcanism)?	—	—	X
B. Soils. Will the proposal result in:			
1. Disruptions, displacements, compaction or overcovering of the soil?	—	—	X

At Cell Site #1, the project will involve a very minor amount of grading for foundations.

2. Increased erosion from wind or water?	—	—	X
3. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	—	—	X
C. Air Quality/Climate. Will the proposal result in:			
1. Substantial air emissions or deterioration of ambient air quality?	—	—	X
2. Creation of objectionable odors?	—	—	X

	Yes	Maybe	No
3. Alteration of air movement, moisture, temperature, or any change in climate, either locally or regionally?	—	—	X
D. Water. Will the proposal result in:			
1. Degradation of water quality?	—	—	X
2. Degradation or depletion of ground water resources, or interference with ground water recharge?	—	—	X
3. Depletion or contamination of public water supply?	—	—	X
4. Erosion, siltation, or flooding?	—	—	X
5. A change in the amount of surface water in any water body?	—	—	X
6. Alterations to the course or flow of flood waters?	—	—	X
E. Vegetation. Will the proposal result in:			
1. A change in the diversity of species, or numbers of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?	—	—	X
2. A reduction of the numbers of any unique, rare or endangered species of plants?	—	—	X

The following federally listed endangered or candidate species have the potential to occur on the site:

California jewelflower, Caulanthus californicus

Hoover's wooly-star, Eriastrum hooveri

Congdon's wooly-threads, Lambertia congdonii

Bakersfield cactus, Opuntia treleasei

The Bakersfield cactus is also a State-listed species.

The MTSO site is in an urbanized area and is barren of all vegetation.

Cell Site #1 is in an area covered with annual grasslands. City of Bakersfield environmental planning staff surveyed the site and found no State or federal threatened or endangered species on the site. Location of an antenna at Cell Site #1 will not affect State or federal endangered, candidate or threatened species.

	Yes	Maybe	No
3. The introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	—	—	X
4. A reduction in acreage of any agricultural crop?	—	—	X
F. Wildlife. Will the proposal result in:			
1. A change in the diversity of species, or numbers of any species of animals (birds and animals, including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?	—	—	X
2. A reduction of the numbers of any unique, rare or endangered species of animals?	—	—	X

As indicated above, the MTSO is in an urbanized area on bare earth. The site and surrounding lands do not provide native wildlife habitat.

Cell Site #1 is within the range of a number of State and federally listed threatened or endangered species. The U.S. Fish and Wildlife Service indicated the following federally listed endangered or candidate species may occur on the site:

San Joaquin kit fox, Vulpes macrotis mutica

blunt-nosed leopard lizard, Gambelia silus

short-nosed kangaroo rat, Dipodomys n. brevinasus

Tipton kangaroo rat, Dipodomys n. nigratroides

The CA Department of Fish and Game indicated the following State listed endangered or threatened species may occur on site:

San Joaquin Antelope Squirrel, Ammospermophilus nelsoni

Tipton kangaroo rat

blunt-nosed leopard lizard

San Joaquin kit fox.



The site was surveyed by City of Bakersfield environmental planning staff. No threatened, candidate or endangered species were found on site and there was no evidence of use of the site for dens or nests. However, as the site is within the territorial range of the San Joaquin kit fox, City staff recommended the following mitigation measures which were incorporated into the Conditional Use Permit:

1. grading be limited to the pads needed for the building and the antenna;
2. the applicant should be aware of species road mortality.

Since approval of the Use Permit, the City has passed an ordinance requiring payment of an Interim Mitigation Fee for Endangered Species habitat, based upon the acreage being disturbed. The applicant has agreed to payment of this fee.

In addition to the mitigation measures approved by the City of Bakersfield, the following mitigation measures are recommended as a part of PUC approval:

1. Payment of the City of Bakersfield Interim Mitigation Fee, based upon the acreage being disturbed;
2. Construction and access to the construction site to take place only during daylight hours.

With mitigation outlined above, the project would have no significant impact on any threatened or endangered species.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
3. Introduction of new species of animals into an area?	___	___	X
4. Deterioration to existing fish or wildlife habitat, or interference with the movement of resident or migratory fish or wildlife?	___	___	X
G. Land Use. Will the proposal result in:			
1. A substantial alteration of the present or planned land use in the area?	___	___	X

The MTSO is on land zoned M-1. It is adjacent to an office building, across Truxton Avenue Extension from the City's maintenance yard, and across Empire Drive from the City's stockpile of fill dirt. To the north of the property are transmission lines. The MTSO and its associated antenna would be compatible with these existing land uses.

Cell Site #1 is on a hilltop in a rural area of the City of Bakersfield. Immediately adjacent land uses are open space and oil production.

Approximately one-half mile northwest of the site is the City of Bakersfield landfill. Approximately one mile to the southwest of the site is a new residential development. A transmission line runs northwest-southeast in a valley between the residential development and the antenna site. One-half mile due south of the site is a developing mobile home park. To the east of the site is an oilfield. Parallel transmission lines run north-south to the east of the antenna site and adjacent to the mobile home park. The antenna would be compatible with these land uses.

Yes      Maybe      No

2. A conflict with Local, State or Federal land use plans or elements to those plans?

—      —      X

The project components are allowable uses, in some cases by conditional use permit (if such local permits were applicable to this cellular telephone system), at all the proposed sites.

H. Visual Quality. Will the proposal result in:

1. Obstruction of any scenic vista or view now observed from public areas?

—      —      X

2. Creation of an aesthetically offensive site open to public view?

—      X      —

Aesthetic considerations for the towers and equipment modules were evaluated for the cell site and the switching office.

The antenna for Cell Site #1 is in an environment where the majority of viewers will normally be at least one-half mile distant from the base of the towers. For many nearby residents, intervening topography will block views of the antenna site.

The antenna at the MTSO will be clearly visible to viewers in the northwest corner of the adjacent office building. Westbound travelers on Empire Drive probably will have a fleeting view, and eastbound travelers will have a full view of the antenna site. The antenna could be seen from Highway 99, but will be partially masked by the transmission lines that are between the antenna and the highway.

The selected sites would not have a significant impact on visual quality.

3. New light or glare substantially impacting other properties?

—      —      X

	Yes	Maybe	No
I. Human Population. Will the proposal result in:			
1. Growth inducement or concentration of population?	—	—	X
2. Relocation of people (involving either housing or employment)?	—	—	X
J. Housing. Will the proposal affect existing housing, or create a demand for additional housing?	—	—	X
K. Transportation/Circulation. Will the proposal result in:			
1. An increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	—	—	X
2. Effects on existing parking facilities, or demand for new parking?	—	—	X
3. A substantial increase in transit demand which cannot be accommodated by current transit capacity?	—	—	X
4. An increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	—	—	X
5. Alterations to present patterns of circulation or movement of people and/or goods?	—	—	X
6. Alterations to waterborne, rail or air traffic?	—	—	X

Cell #1 will generate only very infrequent traffic. Approximately once a month maintenance crew will visit the site to test the signal.

The MTSO will generate only a very small amount of traffic. The facility will be staffed by 10 employees. Few visitors are anticipated as most of the customers will be signed up at off-site cellular telephone hardware businesses. Installation of phone hardware will also take place at these off-site businesses. There is provision for on-site sale and installation; however, the applicant anticipates most sales activity will take place off-site. The applicant is complying with City requirements for parking spaces.

The MTSO and Cell Site #1 will not result in a significant effect on circulation.

L. Noise. Will the proposal result in:

	Yes	Maybe	No
1. An increase in ambient noise levels?	—	—	X
2. An effect on noise sensitive receptors near or on project site?	—	—	X

The project will generate short-term noise increases during construction of the various project components. These increases are not expected to have a significant effect on adjacent residents.

M. History/Archaeology. Will the proposal result in:

1. Alteration or destruction of a prehistoric or historic archaeological site?	—	—	X
2. Adverse physical or aesthetic effects to a prehistoric or historic building, structure or object?	—	—	X
3. A physical change which would affect unique ethnic cultural values?	—	—	X
4. Restriction of existing religious or sacred uses within the potential impact area?	—	—	X

N. Public Services. Will the proposal result in:

1. Increased demand for fire or police protection?	—	—	X
2. Increased demand for schools, recreation or other public facilities?	—	—	X
3. Increased maintenance of public facilities, including roads?	—	—	X

O. Utilities. Will the proposal result in:

1. Expansion or alteration of water, sewer, power, storm water drainage or communication facilities?	—	—	X
--	---	---	---

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
2. A breach of published national State or local standards relating to solid waste or litter control?	—	—	X
P. Energy/Natural Resources. Will the proposal result in:			
1. Use of substantial amounts of fuel or energy?	—	—	X
2. Substantial increase in demand on existing sources of energy?	—	—	X
3. Substantial depletion of any nonrenewable natural resource?	—	—	X
Q. Hazards. Will the proposal result in:			
1. Creation of a potential health hazard or exposure of people to potential health hazards?	—	—	X

The Federal Communications Commission has determined that the microwave and other radio transmissions associated with cellular telephone systems do not pose a significant risk to humans. The proposed cellular telephone system will be operated at a very low wattage (one-eighth watt) using appropriately designed and installed microwave equipment.

The PUC acknowledges that technicians working on microwave installations must use due caution on equipment that is operating at certain power levels. The Commission also acknowledges that improperly aimed microwave signals could pose a health threat in certain circumstances. However, the Commission believes that the Applicant's equipment will be properly designed, installed, and operated so that the public is not at risk from this system.

The towers that will be necessary for this system will be designed and constructed so that they are not subject to failure from anticipated natural forces such as high winds and rain.

2. Interference with emergency response plans or emergency evacuation plans?

— — X

The proposed cellular telephone system will improve the emergency communications system in the Sacramento metropolitan area by providing individuals with mobile telephones the ability to contact police, fire, and emergency medical services from their vehicles or mobile units.

## IV. REFERENCES

1. Proponent's Environmental Assessment, Cellular One of Bakersfield, before the Public Utilities Commission of the State of California, Application #87-12-040 and supplemental information provided by the applicant.
2. Federal Communications Commission, FCC 87-63, Gen. Docket No. 79-144, February 12, 1987 and May 5, 1987.

## III. MANDATORY FINDINGS OF SIGNIFICANCE

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of a major period of California history or prehistory?	—	—	X
B. Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?	—	—	X
C. Does the project have impacts which are individually limited, but cumulatively considerable?	—	—	X
D. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	—	—	X

IV. REFERENCES

1. Proponent's Environmental Assessment, Cellular Tower of Bakersfield, before the Public Utilities Commission of the State of California, Application #87-12-040 and supplemental information provided by the applicant.
2. Federal Communications Commission, FCC 87-63, General Docket No. 79-144, February 12, 1987 and May 5, 1987.



## V. PERSONS AND/OR AGENCIES CONSULTED

1. Michael Burke  
California Public Utilities Commission  
1107 - 9th Street, Suite 710  
Sacramento, CA 95814
2. Tom Poor  
Cellular One of Bakersfield  
P.O. Box 10311  
Bakersfield, CA 93389
3. Fred Simon  
City of Bakersfield Environmental Planner
4. Ken Cott  
City of Delano Planning Director
5. Ted Rado  
U.S. Fish and Wildlife Service  
Endangered Species Office  
2800 Cottage Way, Rm. 1823
6. Jim Bartell  
U.S. Fish and Wildlife Service  
Endangered Species Office
7. Dr. Larry Eng, Coordinator  
of California Endangered Species Act  
CA Department of Fish and Game  
1416 Ninth Street, Twelfth Floor  
Sacramento, CA 95814
8. Ron Rempel  
California Department of Fish and Game  
Region IV  
1234 East Shaw Avenue  
Fresno, CA 93710
9. Rod Goss  
California Department of Fish and Game  
Region IV

## VI. DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find the proposed project COULD NOT have a significant effect on the environment. A NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in this Initial Study have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ☐ I find the proposed project MAY have significant effects on the environment and an ENVIRONMENTAL IMPACT REPORT is required.

Date

1-19-88  
Mike Burke

Regulatory &amp; Environmental Coordinator

## NOTICE OF DETERMINATION

TO: Office of Planning and Research  
1400 - 10th Street, Room 121  
Sacramento, CA 95814

FROM: Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

SUBJECT: Filing of Notice of Determination in compliance with Section 21108  
or 21152 of the Public Resources Code.

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Project Title

Cellular One of Bakersfield

---

State Clearinghouse Number  
(If submitted to Clearinghouse)

SCH# 88011806

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Contact Person

Elaine Russell

---

Telephone Number

(916) 324-6195

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Project Location

City of Bakersfield. The Mobile Telephone Switching Office is at the northeast corner of Truxtun Extension and Empire Drive; Antenna Site No. 1 is one-half mile east and one-quarter mile north of the intersection of Fairfax Road and Paladeno Drive.

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Project Description

Cellular One of Bakersfield is seeking interim approval from the Public Utilities Commission of a Certificate of Public Convenience and Necessity for its proposed Mobile Telephone Switching Office and Antenna Site No. 1.

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This is to advise that the Public Utilities Commission has approved the above described project and has made the following determinations regarding the above described project:

1. The project    will, X will not, have a significant effect on the environment.
2.    An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
X A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.  
The EIR or Negative Declaration and record of project approval may be examined at:

Public Information Counter

Public Utilities Commission

505 Van Ness Avenue

San Francisco, CA 94102

3. Mitigation measures X were,    were not, made a condition of the approval of the project.
4. A statement of Overriding Considerations    was,    was not, adopted for this project.

Date Received for Filing

---

Victor Weissner  
Executive Director

Decision \_\_\_\_\_

## BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
 CELLULAR ONE OF BAKERSFIELD for a )  
 Certificate of Public Convenience )  
 and Necessity under Section 1001 )  
 of the Public Utilities Code of the )  
 State of California for authority )  
 to construct and operate a domestic )  
 public cellular radio tele- )  
 communications service in the )  
 Bakersfield Metropolitan Statistical )  
 Area; and requests for interim )  
 operating authority. )

Application 87-12-040  
 (Filed December 21, 1987)

INTERIM OPINION

Applicant Cellular One of Bakersfield, a California corporation, seeks a certificate of public convenience and necessity (CPC&N) to construct and operate a new domestic public cellular radio telephone service to the public within the Bakersfield Metropolitan Statistical Area (MSA), in Kern County.

In its application, applicant sought interim authority to begin construction at its own risk, pending Commission certification, if granted. Applicant sought authority to construct its mobile telephone switching office (MTSO) and five low-powered transmitter-receiver facilities, each of which provide service in a defined area or cell. Applicant states that its predecessor in interest, the Bakersfield Cellular Telephone Company (BCTC), obtained its Federal Communications Commission (FCC) construction permit on September 26, 1986. Under FCC rules construction must be completed within 18 months after the permit is obtained, or by March 26, 1988. However, because of ownership transfers from BCTC to American Cellular Communications Properties (ACCP), a Delaware partnership, in progress during and since the pendency of Application (A.) 87-09-024 (see D. 88-01-017) and changes in system

design, applicant has not been able to file this application for certification as a facilities-based carrier until now. Mobile Communications Corporation of America (MCCA), a Delaware corporation, through its subsidiary, MCCA Cellular Holdings (MCCA-H), a Delaware corporation, owns a 50% interest in ACCP. BellSouth Corporation (BSC), a Georgia corporation, through its subsidiary BellSouth Enterprises, Inc. (BSE), a Georgia corporation, and BCE's subsidiary, Augusta Cellular Corporation (ACC), a Georgia corporation, owns the remaining 50% interest in ACCP. Applicant is a wholly owned subsidiary of ACTC Holdings, Inc. (Holdings), a Delaware corporation, which, in turn, is a wholly owned subsidiary of ACCP. A corrected organizational chart replacing Exhibit A to the application transmitted by letter to the Commission dated January 12, 1988 (Exhibit 1) is reproduced as Attachment A to this decision. That letter states that ACCP has assigned its rights to the FCC permit in question to applicant.

On December 22, 1987, the FCC approved of the transfer of control of the corporation holding the common carrier radio station construction permit from BCTC, formerly known as Metro Cellular Telecommunications, Inc, to applicant. D.88-01-017 authorizes BCTC to provide cellular resale service in Fresno, Kern, and Tulare counties within the Fresno, Kern, and Visalia MSAs. A copy of the January 22, 1988 FCC approval of the assignment of BCTC's construction permit to applicant was transmitted by letter to the Commission dated February 3, 1988 (Exhibit 2).

Due to the time lag between the filing and the certification, applicant did not believe it could meet the FCC deadline without interim authority. Failure to meet the deadline could result in the loss of its FCC authority. In addition, Contel Cellular, an affiliate of Continental Telephone Company has been awarded authority to provide wireline "B" block cellular carrier service in the Bakersfield MSA and has already instituted service in that marketplace. Since applicant proposes to enter into the

market as the "A" block cellular carrier in competition with an operational B-block cellular system, it seeks to commence service as soon as possible. Therefore, it requested the Commission issue an interim order authorizing it to construct, at its own risk, its mobile telephone switching office (MTSO) and facilities at five proposed cell sites and to make the order effective immediately.

Exhibit J attached to the application is applicant's Proposed Environmental Assessment (PEA) filed to comply with the California Environmental Quality Act (CEQA). During the environmental review the United States Fish and Wildlife Service (Wildlife) requested applicant to survey four of the five proposed cell sites to evaluate the possible impact of construction on endangered species. By letter to the Commission dated January 11, 1988 (Exhibit 3), applicant states that since the time required for the survey makes it impossible to immediately publish a mitigated Negative Declaration for the project as a whole, it seeks a partial mitigated Negative Declaration for its proposed Cell Site One and MTSO which are not subject to that survey request. Applicant further states that as a condition of the construction permit, the FCC would require that construction be substantially under way, rather than completed, by March 26, 1988. Therefore, it seeks an interim decision to authorize construction at those two sites. Applicant cites Decision (D.) 83-06-080 authorizing the Los Angeles SMSA Limited Partnership to construct but not operate a cellular system and D.87-12-052 authorizing Napa Cellular Telephone Company to construct but not operate a portion of its cellular system as precedents for this procedure.

The signal obtained from operation of the MTSO and Cell Site One would only cover a small portion of the MSA, limiting the potential service area and the number of customers who could be served. Applicant requires operation of five cells in the MTSO to meet potential service demands in the MSA. The one-cell system would not adequately serve the MSA and it would probably not be a

financially viable system. The partial system would not meet the service goals of the FCC adopted by the Commission. After the five-cell system is installed, environmental information for additional towers needed for cell-splitting or expansion to peripheral areas will be referred to our staff to determine whether the Commission requires supplemental environmental documentation to comply with CEQA.

We will complete our evaluation of this application after completion of the environmental review of the supplemental PEA for four cell sites sent to the Commission on February 16, 1988.

The application was filed with the Commission on December 21, 1987. Notice of the filing of the application was published in the Commission's Daily Calendar on December 24, 1987. The application was deemed complete and accepted for filing in accordance with Government Code Section 65950. There were no protests to granting the application.

A Negative Declaration describing the MTSO and Cell Site One was issued by the Commission staff on January 20, 1988. The environmental review period ended on February 8, 1988. Wildlife states that conditions 5 to 7 of the Proposed Negative Declaration reproduced below satisfies its concerns on the limited project. Wildlife requests that the results of the on-site surveys for federally listed, proposed, and candidate species for the remaining four sites be furnished to it for its review and comments. No other comments on the Negative Declaration were received.

#### Summary of Decision

We adopt the Negative Declaration and the related Notice of Publication copied as Appendix A attached to this decision. Appendix B attached to this decision is a Notice of Determination which will be sent by the Commission to the Secretary for Resources on the partial project.

financially viable system. The partial system would not meet the service goals of the FCC adopted by the Commission. After the five-cell system is installed, environmental information for additional towers needed for cell-splitting or expansion to peripheral areas will be referred to our staff to determine whether the Commission requires supplemental environmental documentation to comply with CEQA.

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#### Summary of Decision

We adopt the Negative Declaration and the related Notice of Publication copied as Appendix A attached to this decision with one minor correction substituting Paladeno Drive for Poor Drive in the description of the location of Cell Site One. Appendix B



served. Applicant requires operation of five cells in the MTSO to meet potential service demands in the MSA. The one-cell system would not adequately serve the MSA and it would probably not be a financially viable system. The partial system would not meet the service goals of the FCC adopted by the Commission. After the five-cell system is installed, environmental information for additional towers needed for cell-splitting or expansion to peripheral areas will be referred to our staff to determine whether the Commission requires supplemental environmental documentation to comply with CEQA.

At this time, we will review the MTSO and Cell Site One for compliance with environmental requirements and determine whether a partial CPCN can be granted for construction of those two facilities. Approval of the CPCN to authorize construction of the remaining towers is conditioned upon satisfactory completion of environmental review for the additional facilities. The supplemental PEA for four cell sites will be sent to the Commission on February 16, 1988. The Commission staff expects to release a mitigated Negative Declaration for these sites later this week.

The application was filed with the Commission on December 21, 1987. Notice of the filing of the application was published in the Commission's Daily Calendar on December 24, 1987. The application was deemed complete and accepted for filing in accordance with Government Code Section 65950. There were no protests to granting the application.

A Negative Declaration describing the MTSO and Cell Site One was issued by the Commission staff on January 20, 1988. The environmental review period ended on February 8, 1988. Wildlife states that conditions 5 to 7 of the Proposed Negative Declaration reproduced below satisfies its concerns on the limited project. Wildlife requests that the results of the on-site surveys for federally listed, proposed, and candidate species for the remaining four sites be furnished to it for its review and comments.

This decision grants applicant a temporary CPC&N under Section 1005(a) of the Public Utilities (PU) Code.<sup>1</sup> Applicant will be authorized to construct its proposed MTSO and Cell Site One located in the Bakersfield MSA prior to Commission issuance, if any, of a certificate authorizing construction and operation of the entire system.

Environmental Review

The applications a PEA prepared in accordance with the CEQA and Rule 17.1 of our Rules of Practice and Procedure. Rule 17.1 requires the proponent of a project for which this Commission is the lead agency to file sufficient information to enable the Commission to evaluate the project and to prepare a Negative Declaration or an Environmental Impact Report. The Commission staff has reviewed the environmental aspects of the proposed initial construction project for the MTSO and Cell Site One and the associated mitigation measures and based on this review, prepared a draft Negative Declaration.

The Negative Declaration concludes that the limited project will not have any substantial adverse effects on the environment if applicant complies with the conditions incorporated into the Negative Declaration. Those conditions, which will be adopted in this decision, are:

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1 "1005. (a) The commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the construction of a portion only of the contemplated street railroad line, plant, or system, or extension thereof, or for the partial exercise only of the right or privilege, and may attach to the exercise of the rights granted by the certificate such terms and conditions, including provisions for the acquisition by the public of the franchise or permit and all rights acquired thereunder and all works constructed or maintained by authority thereof, as in its judgment the public convenience and necessity require; provided, however, upon timely application for a hearing by any person entitled to be heard thereat, the commission, before issuing or refusing to issue the certificate, shall hold a hearing thereon.

attached to this decision is a Notice of Determination which will be sent by the Commission to the Secretary for Resources on the partial project.

This decision grants applicant a temporary CPC&N under Section 1005(a) of the Public Utilities (PU) Code.<sup>1</sup> Applicant will be authorized to construct its proposed MTSO and Cell Site One located in the Bakersfield MSA prior to Commission issuance, if any, of a certificate authorizing construction and operation of the entire system.

#### Environmental Review

The applications a PEA prepared in accordance with the CEQA and Rule 17.1 of our Rules of Practice and Procedure. Rule 17.1 requires the proponent of a project for which this Commission is the lead agency to file sufficient information to enable the Commission to evaluate the project and to prepare a Negative Declaration or an Environmental Impact Report. The Commission staff has reviewed the environmental aspects of the proposed initial construction project for the MTSO and Cell Site One and the associated mitigation measures and based on this review, prepared a draft Negative Declaration.

The Negative Declaration concludes that the limited project will not have any substantial adverse effects on the

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1 "1005. (a) The commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the construction of a portion only of the contemplated street railroad line, plant, or system, or extension thereof, or for the partial exercise only of the right or privilege, and may attach to the exercise of the rights granted by the certificate such terms and conditions, including provisions for the acquisition by the public of the franchise or permit and all rights acquired thereunder and all works constructed or maintained by authority thereof, as in its judgment the public convenience and necessity require; provided, however, upon timely application for a hearing by any person entitled to be heard thereat, the commission, before issuing or refusing to issue the certificate, shall hold a hearing thereon.

Comments on the Negative Declaration were received from the Department of Transportation, Division of Aeronautics of the State of California (Aeronautics) and are discussed below under the heading "Environmental Review".

#### Summary of Decision

We adopt the Negative Declaration and the related Notice of Publication copied as Appendix A attached to this decision with one minor correction substituting Paladeno Drive for Poor Drive in the description of the location of Cell Site One. Appendix B attached to this decision is a Notice of Determination which will be sent by the Commission to the Secretary for Resources on the partial project.

This decision grants applicant a CPC&N limited to construction of the MTSO and Cell Site One under Section 1005(a) of the Public Utilities (PU) Code.<sup>1</sup> Applicant will be authorized to construct its proposed MTSO and Cell Site One located in the Bakersfield MSA prior to Commission issuance, if any, of a certificate authorizing construction and operation of the entire system.

#### Environmental Review

The applications a PEA prepared in accordance with the CEQA and Rule 17.1 of our Rules of Practice and Procedure. Rule

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1 "1005. (a) The commission may, with or without hearing, issue the certificate as prayed for, or refuse to issue it, or issue it for the construction of a portion only of the contemplated street railroad line, plant, or system, or extension thereof, or for the partial exercise only of the right or privilege, and may attach to the exercise of the rights granted by the certificate such terms and conditions, including provisions for the acquisition by the public of the franchise or permit and all rights acquired thereunder and all works constructed or maintained by authority thereof, as in its judgment the public convenience and necessity require; provided, however, upon timely application for a hearing by any person entitled to be heard thereat, the commission, before issuing or refusing to issue the certificate, shall hold a hearing thereon.

- "1. The applicant will consult with the appropriate local public agencies on project details such as the design, color, and type of materials used in the antenna towers, the specific configuration of equipment on each facility site, and any other relevant community building codes, provided such conditions or requirements do not render the project site infeasible. While it is the PUC's [Public Utilities Commission's] intent that local concerns be incorporated into the design, construction, and operation of this system, no additional permits from local authorities are required as a condition of this certificate.
- "2. The Applicant will consult with Federal Aviation Administration, local county department of airports, or other appropriate aviation agencies concerning the need for tower lighting, height, or placement prior to construction of each cell antenna.
- "3. For additional antenna sites to serve the Bakersfield SMSA, the Applicant shall submit environmental information to the PUC prior to construction of such antennas. The PUC will review this material and determine at that time the appropriate environmental documentation necessary required in accordance with the provisions of the California Environmental Quality Act.
- "4. For future expansion antenna sites which would allow the system to serve a larger area, the Applicant shall submit environmental information to the PUC prior to construction of such antennas. The PUC will review this material and determine at that time whether any supplemental environmental documentation is required in accordance with the provisions of the California Environmental Quality Act.
- "5. The Applicant will inform construction, operation and maintenance crews of the potential presence of the San Joaquin kit fox and its endangered status at the site

environment if applicant complies with the conditions incorporated into the Negative Declaration. Those conditions, which will be adopted in this decision, are:

- "1. The applicant will consult with the appropriate local public agencies on project details such as the design, color, and type of materials used in the antenna towers, the specific configuration of equipment on each facility site, and any other relevant community building codes, provided such conditions or requirements do not render the project site infeasible. While it is the PUC's [Public Utilities Commission's] intent that local concerns be incorporated into the design, construction, and operation of this system, no additional permits from local authorities are required as a condition of this certificate.
- "2. The Applicant will consult with Federal Aviation Administration, local county department of airports, or other appropriate aviation agencies concerning the need for tower lighting, height, or placement prior to construction of each cell antenna.
- "3. For additional antenna sites to serve the Bakersfield SMSA, the Applicant shall submit environmental information to the PUC prior to construction of such antennas. The PUC will review this material and determine at that time the appropriate environmental documentation necessary required in accordance with the provisions of the California Environmental Quality Act.
- "4. For future expansion antenna sites which would allow the system to serve a larger area, the Applicant shall submit environmental information to the PUC prior to construction of such antennas. The PUC will review this material and determine at that time whether any supplemental environmental documentation is required in accordance with the provisions of the California Environmental Quality Act.

17.1 requires the proponent of a project for which this Commission is the lead agency to file sufficient information to enable the Commission to evaluate the project and to prepare a Negative Declaration or an Environmental Impact Report. The Commission staff has reviewed the environmental aspects of the proposed initial construction project for the MTSO and Cell Site One and the associated mitigation measures and based on this review, prepared a draft Negative Declaration.

The Negative Declaration concludes that the two cell sites for this portion of the project will not have any substantial adverse effects on the environment if applicant complies with the conditions incorporated into the Negative Declaration. Those conditions, which will be adopted in this decision, are:

- "1. The applicant will consult with the appropriate local public agencies on project details such as the design, color, and type of materials used in the antenna towers, the specific configuration of equipment on each facility site, and any other relevant community building codes, provided such conditions or requirements do not render the project site infeasible. While it is the PUC's [Public Utilities Commission's] intent that local concerns be incorporated into the design, construction, and operation of this system, no additional permits from local authorities are required as a condition of this certificate.
- "2. The Applicant will consult with Federal Aviation Administration, local county department of airports, or other appropriate aviation agencies concerning the need for tower lighting, height, or placement prior to construction of each cell antenna.
- "3. For additional antenna sites to serve the Bakersfield SMSA, the Applicant shall submit environmental information to the PUC prior to construction of such antennas. The PUC will review this material and determine at that time the appropriate

of Cell #1 and will instruct construction and maintenance crews to exercise appropriate caution.

- "6. At a level based upon the amount of disturbance, the Applicant will participate in the City of Bakersfield's Interim Mitigation Fee for the San Joaquin kit fox habitat.
- "7. The applicant will allow construction to proceed during daylight hours only and will allow access to the construction site only during the daylight hours."

No discussion is made in this decision on the reasonableness of applicant's proposed rates, or on the financial feasibility of its proposed operations.

The Negative Declaration was issued on January 20, 1988. A Notice of Preparation was distributed to local property owners and public agencies on January 20, 1988 and was published for comment through February 8, 1988. Wildlife submitted the only comments on the Negative Declaration. The conditions in the Negative Declaration meet Wildlife's concerns on the partial project. This decision adopts the Negative Declaration.

#### Initial Construction Funding

The application states that present planning and legal activities on behalf of applicant are being funded by MCCA and BellSouth; applicant assumed vendor financing of equipment after the first year of operations for purposes of its projected income statement; but its owners are willing and able to advance funds to fund applicant's initial capital requirements and startup operating losses, if necessary. In Exhibits 2 and 4<sup>2</sup>, applicant states that ACCP's parents, MCCA and BSC, will fund the cost of construction authorized in this decision; therefore, no securities

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<sup>2</sup> MCCA's financial statements were transmitted by letter dated February 5, 1988 (Exhibit 4).



- "5. The Applicant will inform construction, operation and maintenance crews of the potential presence of the San Joaquin kit fox and its endangered status at the site of Cell #1 and will instruct construction and maintenance crews to exercise appropriate caution.
- "6. At a level based upon the amount of disturbance, the Applicant will participate in the City of Bakersfield's Interim Mitigation Fee for the San Joaquin kit fox habitat.
- "7. The applicant will allow construction to proceed during daylight hours only and will allow access to the construction site only during the daylight hours."

Aeronautics was concerned that applicant may not have filed a Notice of Proposed Construction or Alteration with the Federal Aviation Administration (FAA) to permit FAA review to determine if there is a possible obstruction or hazard to air navigation from the proposed project. Even if neither of those conditions existed, Aeronautics would not object to the proposal so long as the towers are lighted and marked as required by the FCC or FAA.

Applicant's PEA states that FAA clearance for the five cell sites and for the MTSO was granted on November 30, 1987. The Negative Declaration did not indicate any FAA clearance had been obtained. BCTC filed FAA Notices of Proposed Construction or Alteration for all proposed construction sites. FAA stated that the proposal to construct Cell Site One and for the MTSO (a) did not require a notice to FAA and (b) obstruction marking and lighting are not necessary (see Exhibit 5). Aeronautics' concerns would be addressed by applicant's compliance with condition 2 above, in the Negative Declaration.

The Negative Declaration was issued on January 20, 1988. A Notice of Preparation was distributed to local property owners

issues requiring Commission approval will be necessary at this time.

Since the vendor funding concept outlined in Exhibit F attached to the application would be for long-term debt, Commission approval will be needed to enter into such arrangements. Applicant may seek long-term authority in its amended filing or by separate application. Any such financing arrangement should comply with Rules 35 and 36 of the Commission's Rules of Practice and Procedure (Rules). The parent corporations, MCCA and BSC, which will fund ACCP and/or applicant, have the financial capability to provide the necessary construction funds (see Exhibits G and H attached to the application and Exhibit 4).

#### Proposed System

The operation of cellular radiotelephone systems has been described in several previous decisions of this Commission. This description recapitulates previous descriptions and emphasizes those features related to the present application.

The proposed system will be able to route signals between mobile phones and conventional or other mobile phones. The system will have four major groups of components: (1) the MTSO; (2) the cell sites (radio equipment); (3) the interconnecting facilities, some of which may be leased from Pacific Bell and some of which may be microwave facilities owned or leased by applicant; and (4) mobile or portable subscriber units. In Exhibit 2, applicant amplified its statement on the interconnection as follows:

"Applicant's interim interconnect arrangement will be 'Type 1', and will be obtained from AT&T at tariffed rates. Technically, Site No. 1 will be controlled from the cellular switch operated by the A Block carrier in Fresno (Fresno Cellular Telephone Company, whose Application 87-03-051 has been granted by the Commission). From the Fresno switch, traffic will be delivered on an interim basis to Pacific Bell's serving wire center for Bakersfield, California. The final arrangement will most likely involve tariffed links between

and public agencies on January 20, 1988 and was published for comment through February 8, 1988. Wildlife submitted the only comments on the Negative Declaration. The conditions in the Negative Declaration meet Wildlife's concerns on the partial project. This decision adopts the Negative Declaration.

Other

No discussion is made in this decision on the reasonableness of applicant's proposed rates, or on the financial feasibility of its proposed operations.

Initial Construction Funding

The application states that present planning and legal activities on behalf of applicant are being funded by MCCA and BellSouth; applicant assumed vendor financing of equipment after the first year of operations for purposes of its projected income statement; but its owners are willing and able to advance funds to fund applicant's initial capital requirements and startup operating losses, if necessary. In Exhibits 2 and 4<sup>2</sup>, applicant states that ACCP's parents, MCCA and BSC, will fund the cost of construction authorized in this decision; therefore, no securities issues requiring Commission approval will be necessary at this time.

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the permanent MTSO location in downtown Bakersfield and two end offices, i.e. that of Continental Telephone serving Taft, California, and that of Pacific Bell serving Bakersfield. These links will be obtained on tariffed terms which will be supplemented by the contract a copy of which is enclosed herewith."

The MTSO is the central coordinating point for the system. It controls the cellular system and connects with the telephone network, microwave facilities (if and when used), and cell sites. As a subscriber's cellular unit moves from the area covered by one cell to the area covered by another cell while a call is in progress, electronic equipment in the MTSO transfers or "hands-off" the call from one cell site to another. This automatic transferring assures continuity and enhances the service quality throughout a conversation as subscriber equipment is transferred from cell to cell. Generally there is an overlap between cell coverages. In instances where there is an apparent gap between cell coverages, outlined by 39 dBu signal strength contours, applicant states there are few if any obstructions between those cell sites. Therefore, based on experience with this type of equipment satisfactory signals will be received in those areas. As demand for service increases, the capacity of the system can be increased by adding channels, implementing sophisticated propagation use techniques, and "cell-splitting". If applicant is certificated and service problems develop, it may be necessary to augment the cellular system.

Applicant will utilize Ericsson switching equipment which is compatible with the Ericsson equipment used by adjacent Block A carriers in the Los Angeles and Fresno/Visalia CGSAs. This compatibility will enhance the ability of these carriers to compete with their Block B counterparts, and will permit wide-area, uninterrupted roaming on Block A frequencies as adjoining systems are built out.

necessary construction funds (see Exhibits G and H attached to the application and Exhibit 4).

Proposed System

The operation of cellular radiotelephone systems has been described in several previous decisions of this Commission. This description recapitulates previous descriptions and emphasizes those features related to the present application.

The proposed system will be able to route signals between mobile phones and conventional or other mobile phones. The system will have four major groups of components: (1) the MTSO; (2) the cell sites (radio equipment); (3) the interconnecting facilities, some of which may be leased from Pacific Bell and some of which may be microwave facilities owned or leased by applicant; and (4) mobile or portable subscriber units. In Exhibit 2, applicant amplified its statement on the interconnection as follows:

"Applicant's interim interconnect arrangement will be 'Type 1', and will be obtained from AT&T at tariffed rates. Technically, Site No. 1 will be controlled from the cellular switch operated by the A Block carrier in Fresno (Fresno Cellular Telephone Company, whose Application 87-03-051 has been granted by the Commission). From the Fresno switch, traffic will be delivered on an interim basis to Pacific Bell's serving wire center for Bakersfield, California. The final arrangement will most likely involve tariffed links between the permanent MTSO location in downtown Bakersfield and two end offices, i.e. that of Continental Telephone serving Taft, California, and that of Pacific Bell serving Bakersfield. These links will be obtained on tariffed terms which will be supplemented by the contract a copy of which is enclosed herewith."

The MTSO is the central coordinating point for the system. It controls the cellular system and connects with the telephone network, microwave facilities (if and when used), and cell sites. As a subscriber's cellular unit moves from the area covered by one cell to the area covered by another cell while a

The cell sites are fixed radio stations which receive signals from the mobile units and send signals to them. Each cell site serves a defined geographic area, a cell. The radio equipment at the cell site interfaces with mobile and portable units operating within the cell site's geographic area.

One of the five cell sites proposed by applicant will provide a usable signal in the Fresno MSA. Applicant states this arrangement is pursuant to an agreement with Fresno Cellular Telephone Company (Fresno), the adjacent carrier, with the approval of the FCC. All sites are physically located within the Bakersfield MSA. Applicant should furnish a copy of Fresno's agreement and of the FCC approval in its supplemental filings.

Request For Interim Authority

In addition to its need to promptly commence construction of the MTSO and Cell Site One, applicant desires to expedite the construction of the rest of its proposed system. It alleges that any delay in the start of such construction will unnecessarily extend the projected operating date of applicant's cellular system, and, as a consequence, will deny to the public those benefits, intended by Federal and State policy, to flow from expected and meaningful competition between the two authorized providers of cellular facility service in the Bakersfield MSA. Applicant asserts that the grant of the interim authority to construct these sites would serve the public interest by accelerating the date upon which applicant will begin to provide cellular service in competition with the service currently provided by Contel Cellular.

Applicant asserts that its projected in-service date for its frequency Block A cellular telephone system can be as early as July 1988, if interim authority is given prior to mid-February 1988.

Applicant estimates it will serve 1,002 subscribers in its first year of operations, growing to 4,250 subscribers in the fifth year of its operations.

call is in progress, electronic equipment in the MTSO transfers or "hands-off" the call from one cell site to another. This automatic transferring assures continuity and enhances the service quality throughout a conversation as subscriber equipment is transferred from cell to cell. Generally there is an overlap between cell coverages. In instances where there is an apparent gap between cell coverages, outlined by 39 dBu signal strength contours, applicant states there are few if any obstructions between those cell sites. Therefore, based on experience with this type of equipment satisfactory signals will be received in those areas. As demand for service increases, the capacity of the system can be increased by adding channels, implementing sophisticated propagation use techniques, and "cell-splitting". If applicant is certificated and service problems develop, it may be necessary to augment the cellular system.

Applicant will utilize Ericsson switching equipment which is compatible with the Ericsson equipment used by adjacent Block A carriers in the Los Angeles and Fresno/Visalia CGSAs. This compatibility will enhance the ability of these carriers to compete with their Block B counterparts, and will permit wide-area, uninterrupted roaming on Block A frequencies as adjoining systems are built out.

The cell sites are fixed radio stations which receive signals from the mobile units and send signals to them. Each cell site serves a defined geographic area, a cell. The radio equipment at the cell site interfaces with mobile and portable units operating within the cell site's geographic area.

One of the five cell sites proposed by applicant will provide a usable signal in the Fresno MSA. Applicant states this arrangement is pursuant to an agreement with Fresno Cellular Telephone Company (Fresno), the adjacent carrier, with the approval of the FCC. All sites are physically located within the



Findings of Fact

1. Attachment A to this decision shows the corporate organization and ownership of applicant. Applicant is a California corporation which is wholly owned by Holdings, which is in turn owned entirely by ACCP. MCCA through its subsidiary, MCCAII, owns a 50% interest in ACCP. BSC through its subsidiary, BSE, and BSE'S subsidiary, ACC, owns the remaining 50% interest in ACCP.

2. Applicant holds an FCC construction permit for a permit to construct an A Block cellular system in the Bakersfield MSA. Due to prior transfers of its FCC construction permit and design changes, applicant was delayed in filing the subject application.

3. The permit was originally issued by the FCC on September 26, 1986. Under FCC rules, construction of the system must be substantially underway by March 26, 1988 (18 months after issuance of the permit). In its application, applicant sought interim authority under PU Code Section 1005(a) to construct the system, without operating authority, at its own risk. Applicant could not meet the FCC deadline without the interim authority requested. It also seeks construction authority to accelerate putting its A Block cellular system into operation to improve its competitive position against Contel Cellular, the B Block cellular system in the Bakersfield MSA.

4. Applicant proposes to construct an MTSO in a five-cell system to serve the Bakersfield MSA. The signal from one of its cells will overlap into the Fresno MSA. It estimates it will serve 1,002 subscribers in the first year of its operations, growing to 4,258 subscribers in the fifth year of its operations.

5. Under Rule 17.1(d), applicant prepared a PEA for its entire system. It was required to undertake further environmental studies for cell sites 2 to 5 to evaluate the possible impact of construction on endangered species. It could not undertake those studies, have the environmental review completed, and meet the FCC construction deadline for the entire system. Therefore, applicant

Bakersfield MSA. Applicant should furnish a copy of Fresno's agreement and of the FCC approval in its supplemental filings.

Request For Interim Authority

In addition to its need to promptly commence construction of the MTSO and Cell Site One, applicant desires to expedite the construction of the rest of its proposed system. It alleges that any delay in the start of such construction will unnecessarily extend the projected operating date of applicant's cellular system, and, as a consequence, will deny to the public those benefits, intended by Federal and State policy, to flow from expected and meaningful competition between the two authorized providers of cellular facility service in the Bakersfield MSA. Applicant asserts that the grant of the interim authority to construct these sites would serve the public interest by accelerating the date upon which applicant will begin to provide cellular service in competition with the service currently provided by Contel Cellular.

Applicant asserts that its projected in-service date for its frequency Block A cellular telephone system can be as early as July 1988, if interim authority is given prior to mid-February 1988.

Applicant estimates it will serve 1,002 subscribers in its first year of operations, growing to 4,250 subscribers in the fifth year of its operations.

Findings of Fact

1. Attachment A to this decision shows the corporate organization and ownership of applicant. Applicant is a California corporation which is wholly owned by Holdings, which is in turn owned entirely by ACCP. MCCA through its subsidiary, MCCA-H, owns a 50% interest in ACCP. BSC through its subsidiary, BSE, and BSE's subsidiary, ACC, owns the remaining 50% interest in ACCP.

2. Applicant holds an FCC construction permit for a permit to construct an A Block cellular system in the Bakersfield MSA.

requested the Commission to prepare a partial mitigated Negative Declaration for its MTSO and Cell One sites and to authorize it to construct those facilities in time for it to meet the FCC deadline.

6. Operation of the MTSO and Cell Site One would not provide adequate service in the MSA.

7. Immediate Commission authorization to construct those facilities is needed to enable applicant to meet the FCC deadline.

8. Applicant's parent companies will provide funding for the initial construction. They possess the resources necessary to undertake that funding.

9. The proposed system will use Ericsson equipment which will be compatible with the systems of adjacent A Block cellular systems.

10. The Commission does not, by this decision, determine that applicant's construction program is necessary or reasonable for ratemaking purposes. Those issues are normally tested in general rate or rate-base offset proceedings.

11. The Commission, acting as the lead agency under CEQA, has prepared a properly noticed and reviewed Negative Declaration for the proposed MTSO and Cell Site One project. The Negative Declaration was issued on January 20, 1988. The environmental review period ended on February 8, 1988. Wildlife was the only party responding to the Negative Declaration. The conditions in the Negative Declaration meet Wildlife's concerns for the partial project.

12. The environmental impacts of the proposed action, as mitigated by the conditions listed in the Negative Declaration, are not significant.

13. A public hearing is not necessary in this matter.

14. Public convenience and necessity require the construction of one of the five cell sites to begin in advance of possible certification of the entire cellular system proposed by applicant.

Due to prior transfers of its FCC construction permit and design changes, applicant was delayed in filing the subject application.

3. The permit was originally issued by the FCC on September 26, 1986. Under FCC rules, construction of the system must be substantially underway by March 26, 1988 (18 months after issuance of the permit). In its application, applicant sought interim authority under PU Code Section 1005(a) to construct the system, without operating authority, at its own risk. Applicant could not meet the FCC deadline without the interim authority requested. It also seeks construction authority to accelerate putting its A Block cellular system into operation to improve its competitive position against Contel Cellular, the B Block cellular system in the Bakersfield MSA.

4. Applicant proposes to construct an MTSO in a five-cell system to serve the Bakersfield MSA. The signal from one of its cells will overlap into the Fresno MSA. It estimates it will serve 1,002 subscribers in the first year of its operations, growing to 4,258 subscribers in the fifth year of its operations.

5. Under Rule 17.1(d), applicant prepared a PEA for its entire system. It was required to undertake further environmental studies for cell sites 2 to 5 to evaluate the possible impact of construction on endangered species. It could not undertake those studies, have the environmental review completed, and meet the FCC construction deadline for the entire system. Therefore, applicant requested the Commission to prepare a partial mitigated Negative Declaration for its MTSO and Cell One sites and to authorize it to construct those facilities in time for it to meet the FCC deadline.

6. Operation of the MTSO and Cell Site One would not provide adequate service in the MSA.

7. Immediate Commission authorization to construct those facilities is needed to enable applicant to meet the FCC deadline.

Conclusions of Law

1. The request for interim authority to construct the MTSO and Cell Site One to be located in the Bakersfield MSA should be granted.

2. The application was deemed complete and accepted for filing in accordance with Government Code Section 65950. The attached Negative Declaration (Appendix A) should be adopted.

3. The interim authority granted herein is not a guarantee of any action the Commission may take in its final decision on the application. We will complete our evaluation of this application after the environmental review of the supplemental PEA for four cell sites has been completed.

4. The following order should be effective on the date the order is signed because public convenience requires prompt construction of the MTSO and Cell Site One located in the Bakersfield MSA in order that applicant may be in a position to meet the FCC deadline and to expeditiously begin service to the public, if it receives appropriate operating authority from the Commission.

INTERIM ORDER

IT IS ORDERED that:

1. A temporary certificate of public convenience and necessity is granted to applicant Cellular One of Bakersfield for construction of a mobile telephone switching office and Cell Site One within the Bakersfield MSA, at the following locations:

- a. Northeast corner of Truxton Extension and Empire Drive in the City of Bakersfield.
- b. Approximately one-half mile east and one-quarter mile north of the intersection of Fairfax Road and Poor Drive, Bakersfield.

8. Applicant's parent companies will provide funding for the initial construction. They possess the resources necessary to undertake that funding.

9. The proposed system will use Ericsson equipment which will be compatible with the systems of adjacent A Block cellular systems.

10. The Commission does not, by this decision, determine that applicant's construction program is necessary or reasonable for ratemaking purposes. Those issues are normally tested in general rate or rate base offset proceedings.

11. The Commission, acting as the lead agency under CEQA, has prepared a properly noticed and reviewed Negative Declaration for the proposed MTSO and Cell Site One project. The Negative Declaration was issued on January 20, 1988. The environmental review period ended on February 8, 1988. Wildlife and Aeronautics responded to the Negative Declaration. The conditions in the Negative Declaration meet Wildlife's and Aeronautics' concerns for the partial project.

12. The environmental impacts of the proposed action, as mitigated by the conditions listed in the Negative Declaration, are not significant.

13. A public hearing is not necessary in this matter.

14. Public convenience and necessity require the construction of one of the five cell sites to begin in advance of possible certification of the entire cellular system proposed by applicant.

#### Conclusions of Law

1. The request for interim authority to construct the MTSO and Cell Site One to be located in the Bakersfield MSA should be granted.

2. The application was deemed complete and accepted for filing in accordance with Government Code Section 65950. The attached Negative Declaration (Appendix A) should be adopted with the street name correction noted above.

2. Applicant shall not operate this system in service to the public without further authorization from this Commission. There is absolutely no guarantee that such operating authority will be forthcoming.

3. The Commission adopts the attached Negative Declaration (Appendix A), including the mitigation measures ordered therein, and directs the Executive Director to file the attached Notice of Determination (Appendix B) approving the Negative Declaration with the Office of Planning and Research.

4. This application is granted as set forth above.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

3. The interim authority granted herein is not a guarantee of any action the Commission may take in its final decision on the application. We will complete our evaluation of this application after the environmental review of the supplemental PEA for four cell sites has been completed.

4. The following order should be effective on the date the order is signed because public convenience requires prompt construction of the MTSO and Cell Site One located in the Bakersfield MSA in order that applicant may be in a position to meet the FCC deadline and to expeditiously begin service to the public, if it receives appropriate operating authority from the Commission.

INTERIM ORDER

IT IS ORDERED that:

1. A temporary certificate of public convenience and necessity is granted to applicant Cellular One of Bakersfield for construction of a mobile telephone switching office and Cell Site One within the Bakersfield MSA, at the following locations:

- a. Northeast corner of Truxton Extension and Empire Drive in the City of Bakersfield.
- b. Approximately one-half mile east and one-quarter mile north of the intersection of Fairfax Road and Paladeno Drive, Bakersfield.

2. Applicant shall not operate this system in service to the public without further authorization from this Commission. There is absolutely no guarantee that such operating authority will be forthcoming.

3. The Commission adopts the attached Negative Declaration (Appendix A), including the mitigation measures ordered therein, and directs the Executive Director to file the attached Notice of



Conclusions of Law

1. The request for a CPCN limited authority to construct the MTSO and Cell Site One to be located in the Bakersfield MSA should be granted. ✓

2. The application was deemed complete and accepted for filing in accordance with Government Code Section 65950. The attached Negative Declaration for the MTSO and Cell Site One (Appendix A) should be adopted with the street name correction noted above. ✓

3. The authority granted herein is not a guarantee of any action the Commission may take in its final decision on the application. We will complete our evaluation of this application after the environmental review of the supplemental PEA for four cell sites has been completed. ✓

4. The following order should be effective on the date the order is signed because public convenience requires prompt construction of the MTSO and Cell Site One located in the Bakersfield MSA in order that applicant may be in a position to meet the FCC deadline.

INTERIM ORDER

IT IS ORDERED that:

1. A certificate of public convenience and necessity is granted to applicant Cellular One of Bakersfield limited to the construction at applicant's risk of a mobile telephone switching office and Cell Site One within the Bakersfield MSA, at the following locations:

- a. Northeast corner of Truxton Extension and Empire Drive in the City of Bakersfield.
- b. Approximately one-half mile east and one-quarter mile north of the intersection of Fairfax Road and Paladeno Drive, Bakersfield.

Determination (Appendix B) approving the Negative Declaration with the Office of Planning and Research.

4. This application is granted as set forth above.

This order is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

ATTACHMENT A

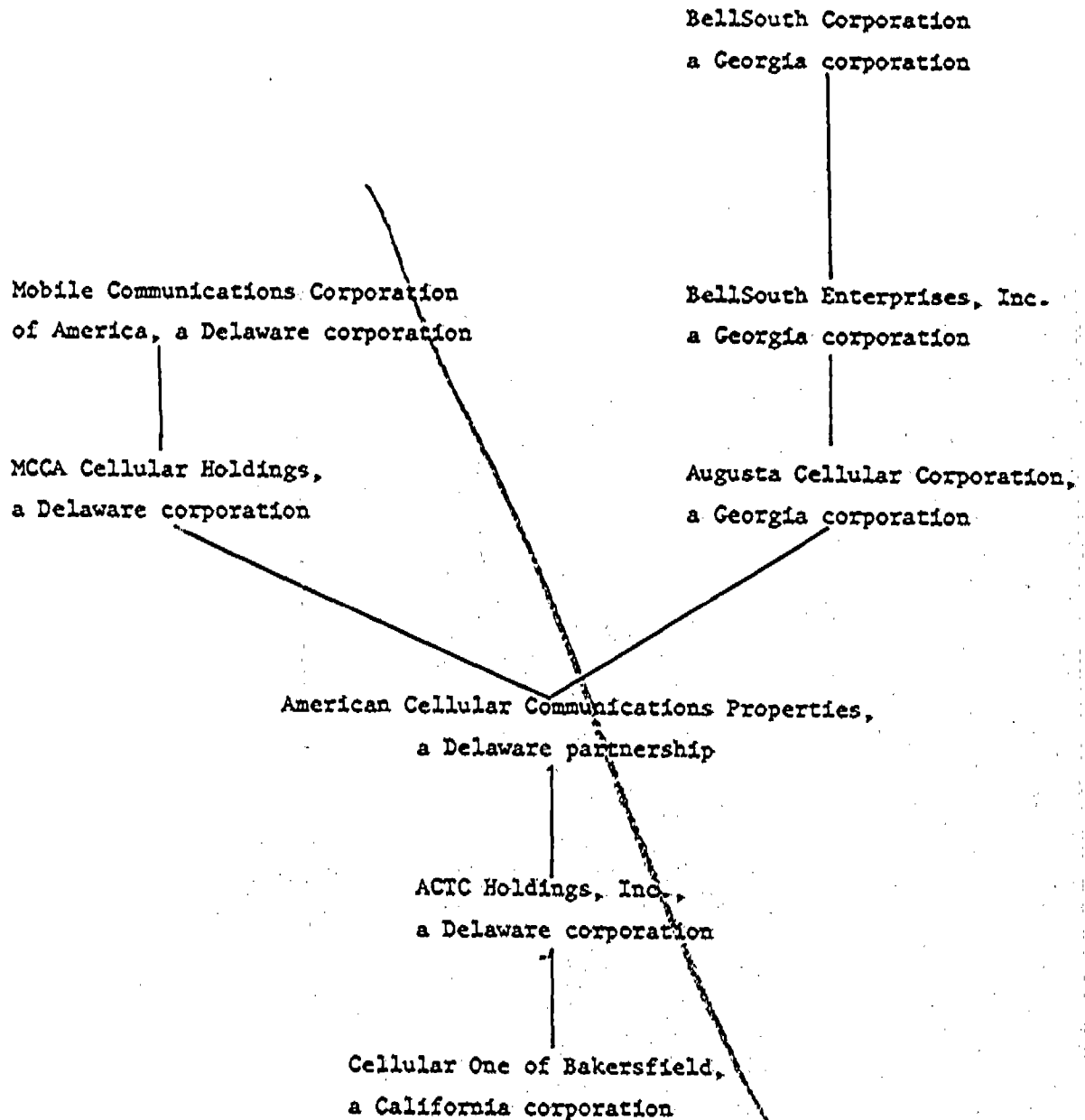


EXHIBIT A

NOTICE

PUBLICATION OF A NEGATIVE DECLARATION  
CALIFORNIA PUBLIC UTILITIES COMMISSION

Description of Proposed Action: Cellular One of Bakersfield, a licensee of the Federal Communications Commission, has applied to the California Public Utilities Commission (PUC) for interim approval of a Certificate of Public Convenience and Necessity for the installation and operation of a mobile telephone system to serve the Bakersfield Standard Metropolitan Statistical Area (SMSA) in Kern County. A Negative Declaration has been prepared for two facilities within the proposed system in compliance with the provisions of the California Environmental Quality Act. This document and the accompanying Initial Study are now available for public review.

Document Available for Review: The PUC has prepared an Initial Study and Negative Declaration describing the proposed project, its environmental impacts, and the conditions that will be imposed to ensure the project will not cause any significant environmental impacts.

Where Document Can Be Reviewed: The subject Negative Declaration may be reviewed at the offices of the California Public Utilities Commission, 1107 - 9th Street, Suite 710, Sacramento, CA, or at 505 Van Ness, PUC Information Center, San Francisco, CA. Copies can be obtained by calling the PUC at (415) 557-2400.

Review Period: The subject Negative Declaration is available for a 20-day public review period from January 20, 1988 to February 8, 1988. Comments must be received in writing by close of business on February 8, 1988. Written comments should be addressed to:

Ms. Elaine Russell  
California Public Utilities Commission  
1107 - 9th Street, Suite 710  
Sacramento, CA 95814

## NEGATIVE DECLARATION

PURSUANT TO DIVISION 13  
CALIFORNIA PUBLIC RESOURCES CODE

Project Description: The California Public Utilities Commission (PUC) proposes to grant interim approval for a Certificate of Public Convenience and Necessity to Cellular One of Bakersfield for the installation and operation of a mobile telephone system to serve Kern County.

The proposed project consists of the installation of new antennas and a Mobile Telephone Switching Office (MTSO) within Kern County. The applicant has been licensed by the FCC to serve the Bakersfield, California cellular market. The applicant currently seeks the interim approval of the California Public Utilities Commission to operate as a cellular telephone utility in the Bakersfield area, and to construct the MTSO and the antenna at Site #1. Other antenna sites will be added in the future to provide service to the full SMSA. In addition to the MTSO and antenna site #1, four other antenna sites have been proposed, but require additional environmental study before PUC approval. Approval of the MTSO and antenna site #1 will not result in automatic approval of other antenna sites, as those sites can be moved.

This document is designed to discuss both non-site specific environmental effects that would be true of any site location and the environmental effects of the project at the proposed sites for the MTSO and Antenna Site #1.

Findings: An Initial Environmental Study (attached) was prepared to assess the project's effects on the environment and the significance of those effects. Based upon the initial study, the project will not have any substantial adverse effects on the environment. This conclusion is supported by the following findings:

1. The proposed telephone system will not have a significant effect on the geology, soils, climate, hydrology, vegetation, or wildlife of the antenna or switching office sites. The site of Cell #1 is within the territory of the San Joaquin kit fox, but contains no dens. Compliance with mitigation measures outlined in this document will reduce the potential effect on wildlife to an insignificant level.
2. The proposed telephone system will not have a significant effect on municipal or social services, utility services, or community structure.
3. The proposed telephone system will not have a significant adverse effect on air or water quality, the existing circulation system, ambient noise levels, or public health.
4. Because individual telephone systems operate at a low power level in frequency bands well separated from television and ordinary broadcasting frequencies, no significant interference with radio or television reception is anticipated.

5. While the new towers will be visible from some surrounding areas, the visual impacts are minimized because of the distance between most viewers and the antenna sites, the specific locations of the antenna sites (commercial or rural settings), and their respective designs. All the antenna sites have been selected so as to minimize their respective environmental impact, while still providing the precise radio coverage required by the PUC.

To assure that significant adverse effects do not occur as a result of this project, the following conditions are incorporated into this Negative Declaration:

1. The applicant will consult with the appropriate local public agencies on project details such as the design, color, and type of materials used in the antenna towers, the specific configuration of equipment on each facility site, and any other relevant community building codes, provided such conditions or requirements do not render the project site infeasible. While it is the PUC's intent that local concerns be incorporated into the design, construction, and operation of this system, no additional permits from local authorities are required as a condition of this certificate.
2. The Applicant will consult with Federal Aviation Administration, local county department of airports, or other appropriate aviation agencies concerning the need for tower lighting, height, or placement prior to construction of each cell antenna.
3. For additional antenna sites to serve the Bakersfield SMSA, the Applicant shall submit environmental information to the PUC prior to construction of such antennas. The PUC will review this material and determine at that time the appropriate environmental documentation necessary required in accordance with the provisions of the California Environmental Quality Act.
4. For future expansion antenna sites which would allow the system to serve a larger area, the Applicant shall submit environmental information to the PUC prior to construction of such antennas. The PUC will review this material and determine at that time whether any supplemental environmental documentation is required in accordance with the provisions of the California Environmental Quality Act.
5. The Applicant will inform construction, operation and maintenance crews of the potential presence of the San Joaquin kit fox and its endangered status at the site of Cell #1 and will instruct construction and maintenance crews to exercise appropriate caution.
6. At a level based upon the amount of disturbance, the Applicant will participate in the City of Bakersfield's Interim Mitigation Fee for the San Joaquin kit fox habitat.

7. The applicant will allow construction to proceed during daylight hours only and will allow access to the construction site only during the daylight hours.

Copies of this Negative Declaration and Initial Study may be obtained by addressing a request to the preparer:

California Public Utilities Commission  
1107 - 9th Street, Suite 710  
Sacramento, CA 95814

Attention: Elaine Russell  
(916) 324-6195

  
Mike Burke, Regulatory and Environmental Coordinator  
California Public Utilities Commission

VI. DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find the proposed project COULD NOT have a significant effect on the environment. A NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in this Initial Study have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ☐ I find the proposed project MAY have significant effects on the environment and an ENVIRONMENTAL IMPACT REPORT is required.

Date

1-19-88

Mike Burke

Mike Burke  
Regulatory & Environmental Coordinator



CALIFORNIA PUBLIC UTILITIES COMMISSION  
INITIAL ENVIRONMENTAL STUDY  
CHECKLIST

Project Title: Cellular One of Bakersfield

Kern County

Study Date: January 19, 1988

## I. BACKGROUND INFORMATION

A. Name of Project:

Cellular One of Bakersfield

B. Project Description:

Cellular One of Bakersfield, a licensee of the Federal Communications Commission, has applied to the California Public Utilities Commission (PUC) for interim approval of a Certificate of Public Convenience and Necessity for the installation and operation of a mobile telephone system to serve the Bakersfield Standard Metropolitan Statistical Area (SMSA) in Kern County.

This cellular system would ultimately consist of a number of cell sites or transmitting/receiving stations located in the cellular geographic service area (CGSA). The applicant is seeking interim approval of the system's mobile telephone switching office (MTSO) and Cell #1. The system's mobile telephone switching office (MTSO) will be located at the northeast corner of Truxton Extension and Empire Drive in the City of Bakersfield. Cell #1 is approximately one-half mile east and one quarter mile north of the intersection of Fairfax Road and Paladeno Drive, Bakersfield.

The proposed cellular system is intended to provide a wide variety of local and long distance communications between fixed (office/home) and mobile (motor vehicles/portable units) stations or between two mobile units. Cellular telephones can be used for regular business and personal telephone conversations, as well as for emergency services such as police, medical, and fire agencies. This system would function as an extension of the present telephone network in Kern County. There is only one other mobile telephone service company that is licensed to serve the project area.

Mobile telephone systems operate by using low power radio transmitter/receivers situated near the center of small (2.5 to 10 mile diameter) geographical units called cells. Each mobile phone communicates using radio signals to or from the cell's antenna. The cell antennas are connected to a central switching office by wire lines or microwave units. The central switching office automatically passes a telephone conversation from cell to cell as the mobile unit moves through the service area. "Roamer agreements" permit similarly continuous service when units move between service areas.

On April 9, 1981, the Federal Communications Commission (FCC) adopted rules for the installation and operation of cellular telephone systems. The provisions include:

1. There will be two cellular systems per market area. Each defined market area is based upon standard metropolitan statistical areas.
2. Twenty (20) MHz is held in reserve for all land mobile services.
3. There are no limits on the number of markets that can be served by a single cellular mobile radio service (CMRS) operator.
4. Licensees and affiliates of licensees are allowed to manufacture radio equipment.
5. Telephone companies will be required to establish a fully separate subsidiary to provide CMRS.
6. Wire line companies must provide equal interconnection to all cellular systems.
7. The FCC will preempt the State jurisdictions with regard to licensing but will not regulate rates.
8. The FCC has found that point-to-point microwave and other regular cellular telephone radio transmissions do not pose a human health hazard if properly designed and constructed.

The California Public Utilities Commission's Rule 17.1 of Practice and Procedure entitled, "Special Procedure for Implementation of the California Environmental Quality Act of 1970" and the California Environmental Quality Act (CEQA) require an environmental review of all developmental projects before the PUC can issue a Certificate of Public Convenience and Necessity for a project, such as the proposed Kern County mobile telephone system.

The Company will propose additional sites to serve the Bakersfield SMSA. Depending upon demand, the Company may also consider expanding this system to provide cellular telephone service to other portions of the project area in the future. The installation of antennas not covered in this document would require additional environmental review by the Commission.

C. Project Setting:

As noted above, the proposed cellular telephone system will initially consist of one radio tower and a centralized mobile telephone switching office (MTSO). Figure 1 displays the regional setting of the system, showing the antenna site for Cell #1 and the MTSO. Figures 2 and 3 show both sites in relation to

surrounding terrain features. The following is a description of these two project sites and the equipment that will be installed at each:

1. Cell 1 - Approximately one-half mile east and one quarter mile north of the intersection of Fairfax Road and Paladeno Drive, Bakersfield.

The antenna in this cell will be situated on the top of a hill on vacant land at the edge of an oil producing area. (See Figure 2) The City of Bakersfield Sanitary Landfill is approximately one quarter mile to the north of the property; County of Kern property (former landfill) is to the northeast of the site. A new (not yet completed) mobile home park is approximately one-half mile to the south. Other residential development to the southwest is approximately one mile distant. Transmission lines are also to the south of the site, between the residences and the site, and to the east of the site. The site is bare of vegetation, except for annual grasses.

The parcel is zone "A" - Agriculture; the Assessor's Parcel Number is 121-060-09-02.

Access to the site would be via public roads, and by easement granted by City Services Oil and Gas over an existing dirt road.

The facility will have a 170-foot guyed steel tower and a one story 12 feet by 30 feet concrete pre-engineered structure. Two microwave dish antennas and three 13-foot whip antennas will be mounted on the the tower. With the antennas, the total height of the structure will be 183 feet.

Construction of the tower and the adjacent building will require some grading to provide a foundation. A six-foot chain link fence will surround the tower and the building, but not the guy wires. All associated electronic equipment will be housed in the small modular building to be installed at the base of the antenna.

2. Mobile Telephone Switching Office - Northeast Corner of Truxton Extension and Empire Drive, Bakersfield.

The MTSO will be on a vacant lot on industrial-zoned land within the City of Bakersfield. The site is adjacent to an existing office building, across Truxton Avenue Extension from the City of Bakersfield maintenance yard, and across Empire Drive from the City's fill storage area. Interstate 5 is approximately one-quarter mile east of the site. Electrical transmission towers are between the Interstate and the site.

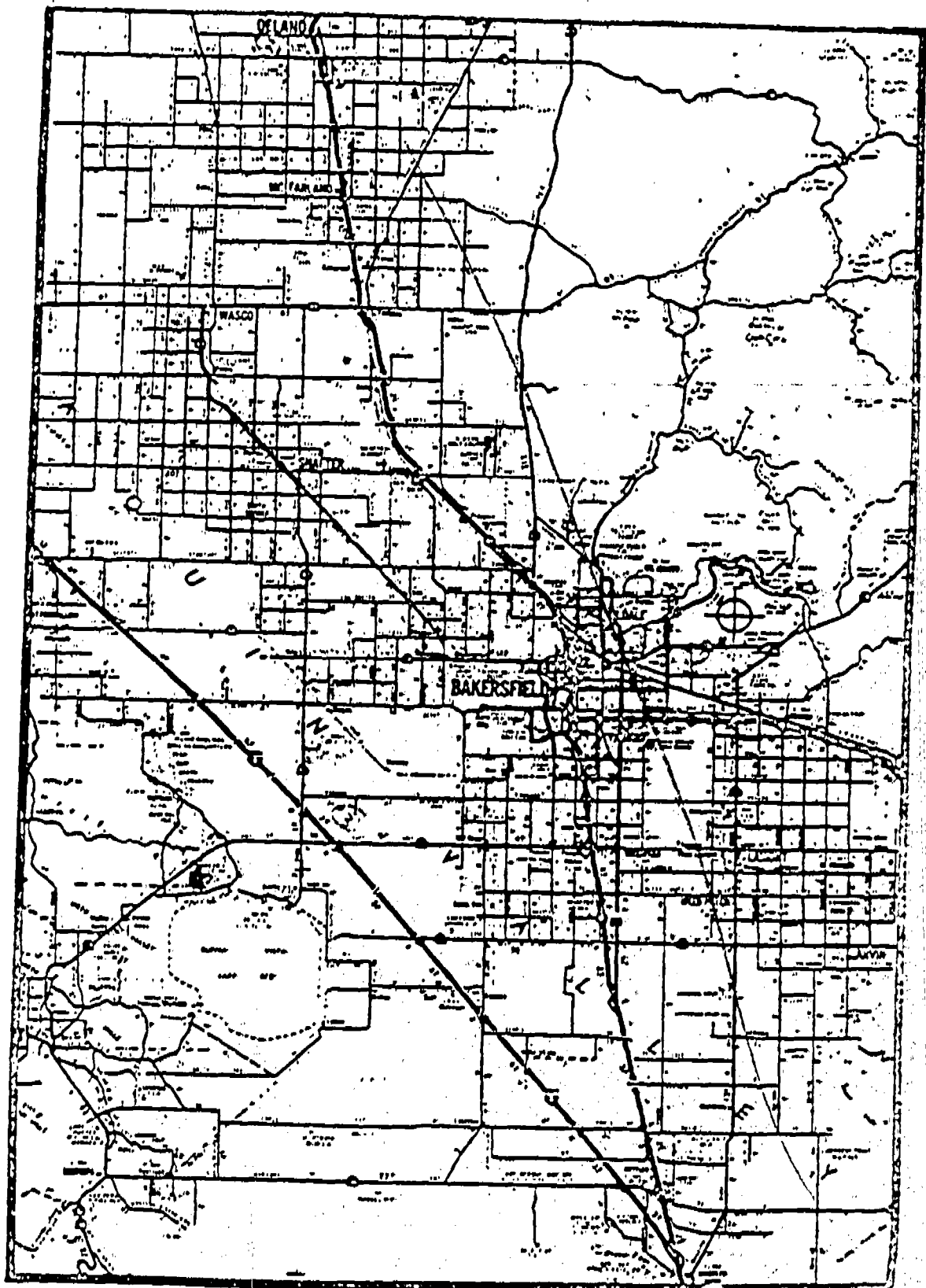


FIGURE 1

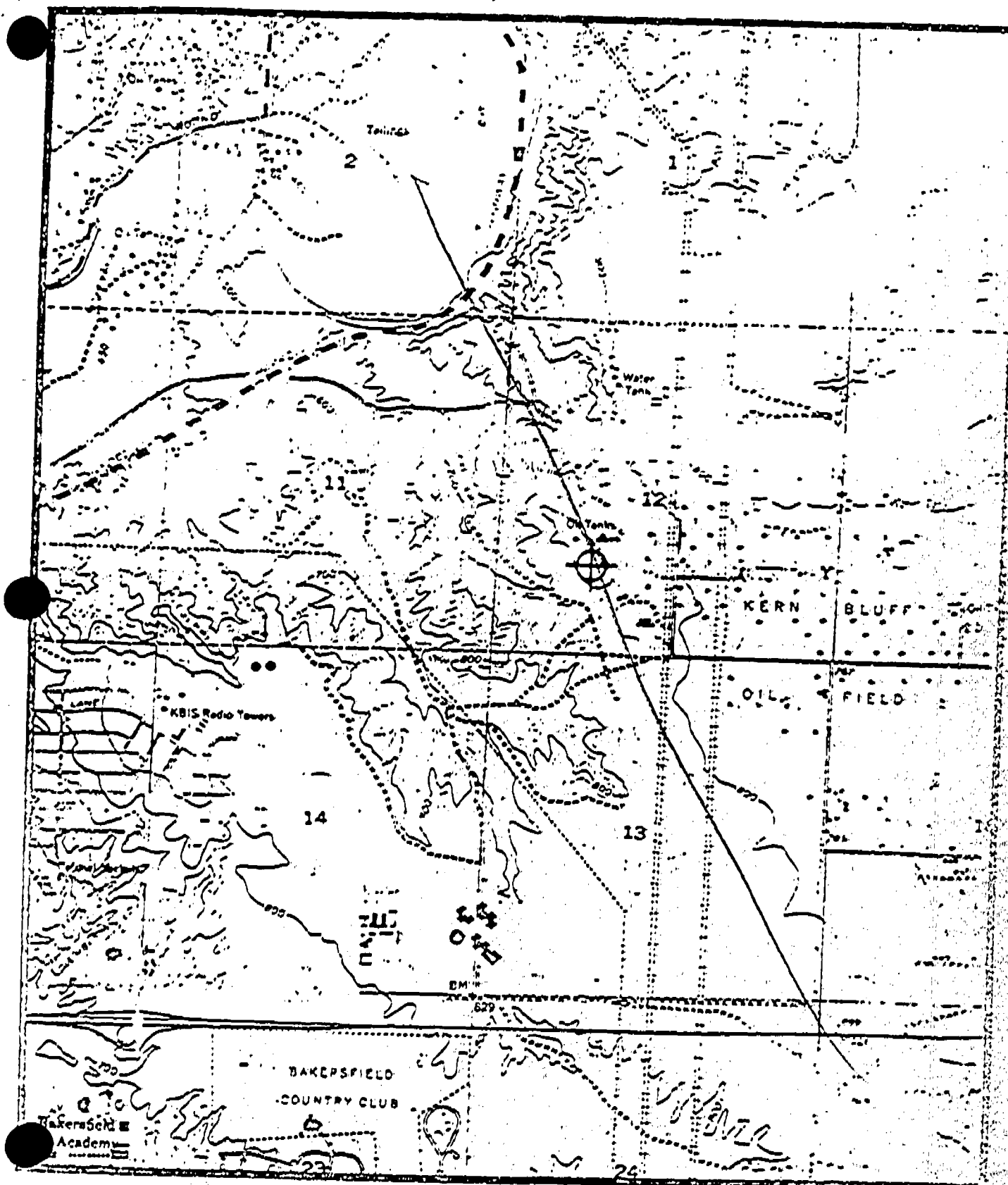


FIGURE 2

Cell Site #1

USGS 7.5' Quad Sheet: Oil Center

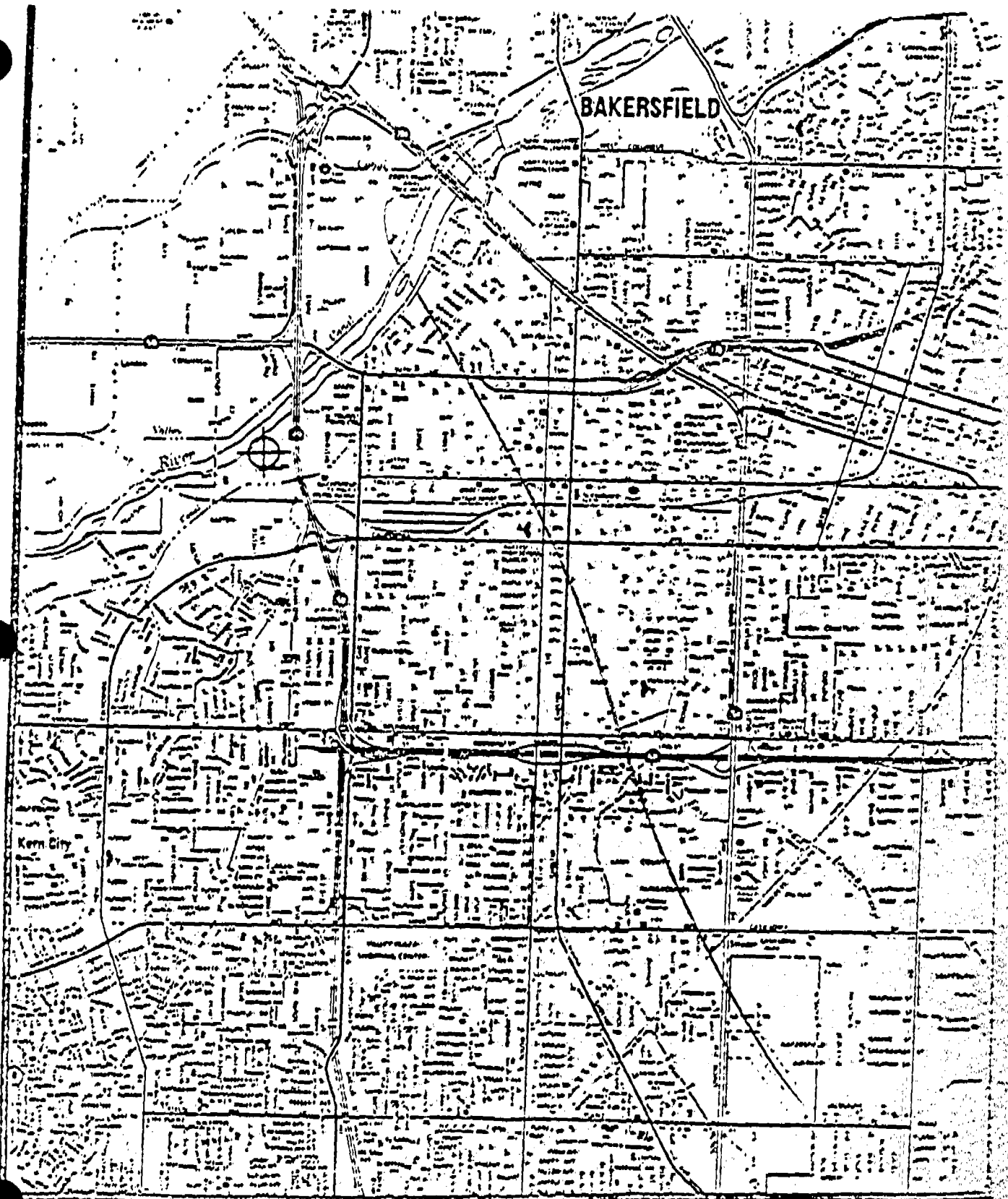


FIGURE 3

Mobile Telephone Switching Office  
Northeast Corner, Truxtun Avenue Extension  
and Empire Drive

A single building of 6,300 square feet will contain administrative offices, a cellular phone installation facility, and the switching offices. The antenna structure, containing 2 microwave dishes and 3 whip antennas on a 170-foot steel self-supported tower, will be in back of the building, at the rear of the parcel.

The operation will require approximately 10 employees. Visitation will be light, as most of the subscribers will contract with Cellular One of Bakersfield through the agent from whom they purchase their phones. The MTSO will, however, provide sales and installation services for customers not using other retail agents. The applicant is providing landscaping and parking stalls commensurate with the City's requirements.

The site has public access from Empire Drive.

D. Lead Agency Contact Person:

Ms. Elaine Russell  
Energy Resources Branch  
California Public Utilities Commission  
1107 - 9th Street, Suite 710  
Sacramento, CA 95814  
(916) 322-7316

E. Lead Agency:

California Public Utilities Commission  
505 Van Ness  
San Francisco, CA 94102

G. Responsible Agencies:

Except for the California Public Utilities Commission, no other State or local agencies have discretionary approval over cellular telephone systems.



## II. ENVIRONMENTAL IMPACTS

	Yes	Maybe	No
A. Geology/Geomorphology. Will the proposal result in:			
1. Unstable earth conditions or changes in geologic substructures?	—	—	X
2. Changes in topography or any unique geologic or physical features of the site?	X	—	—
The foundations for some of the towers will require a minor amount of grading. This grading will result in a minor, insignificant modification of the existing topography of the project sites.			
3. Exposure of people or property to major geologic hazards (earthquakes, slides, subsidence, liquefaction, volcanism)?	—	—	X
B. Soils. Will the proposal result in:			
1. Disruptions, displacements, compaction or overcovering of the soil?	—	—	X
At Cell Site #1, the project will involve a very minor amount of grading for foundations.			
2. Increased erosion from wind or water?	—	—	X
3. Changes in deposition or erosion of beach sands, or changes in siltation, deposition or erosion which may modify the channel of a river or stream or the bed of the ocean or any bay, inlet or lake?	—	—	X
C. Air Quality/Climate. Will the proposal result in:			
1. Substantial air emissions or deterioration of ambient air quality?	—	—	X
2. Creation of objectionable odors?	—	—	X

	Yes	Maybe	No
3. Alteration of air movement, moisture, temperature, or any change in climate, either locally or regionally?	—	—	X
D. Water. Will the proposal result in:			
1. Degradation of water quality?	—	—	X
2. Degradation or depletion of ground water resources, or interference with ground water recharge?	—	—	X
3. Depletion or contamination of public water supply?	—	—	X
4. Erosion, siltation, or flooding?	—	—	X
5. A change in the amount of surface water in any water body?	—	—	X
6. Alterations to the course or flow of flood waters?	—	—	X
E. Vegetation. Will the proposal result in:			
1. A change in the diversity of species, or numbers of any species of plants (including trees, shrubs, grass, crops, microflora and aquatic plants)?	—	—	X
2. A reduction of the numbers of any unique, rare or endangered species of plants?	—	—	X

The following federally listed endangered or candidate species have the potential to occur on the site:

California jewelflower, Caulanthus californicus

Hoover's wooly-star, Eriastrum hooveri

Congdon's wooly-threads, Lambertia congdonii

Bakersfield cactus, Opuntia treleasei

The Bakersfield cactus is also a State-listed species.

The MTSO site is in an urbanized area and is barren of all vegetation.

Cell Site #1 is in an area covered with annual grasslands. City of Bakersfield environmental planning staff surveyed the site and found no State or federal threatened or endangered species on the site. Location of an antenna at Cell Site #1 will not affect State or federal endangered, candidate or threatened species.

	Yes	Maybe	No
3. The introduction of new species of plants into an area, or in a barrier to the normal replenishment of existing species?	—	—	X
4. A reduction in acreage of any agricultural crop?	—	—	X
F. Wildlife. Will the proposal result in:			
1. A change in the diversity of species, or numbers of any species of animals (birds and animals, including reptiles, fish and shellfish, benthic organisms, insects or microfauna)?	—	—	X
2. A reduction of the numbers of any unique, rare or endangered species of animals?	—	—	X

As indicated above, the MTSO is in an urbanized area on bare earth. The site and surrounding lands do not provide native wildlife habitat.

Cell Site #1 is within the range of a number of State and federally listed threatened or endangered species. The U.S. Fish and Wildlife Service indicated the following federally listed endangered or candidate species may occur on the site:

San Joaquin kit fox, Vulpes macrotis murica

blunt-nosed leopard lizard, Gambelia silus

short-nosed kangaroo rat, Dipodomys n. brevinasus

Tipton kangaroo rat, Dipodomys n. nigratroides

The CA Department of Fish and Game indicated the following State listed endangered or threatened species may occur on site:

San Joaquin Antelope Squirrel, Ammospermophilus nelsoni

Tipton kangaroo rat

blunt-nosed leopard lizard

San Joaquin kit fox.

The site was surveyed by City of Bakersfield environmental planning staff. No threatened, candidate or endangered species were found on site and there was no evidence of use of the site for dens or nests. However, as the site is within the territorial range of the San Joaquin kit fox, City staff recommended the following mitigation measures which were incorporated into the Conditional Use Permit:

1. grading be limited to the pads needed for the building and the antenna;
2. the applicant should be aware of species road mortality.

Since approval of the Use Permit, the City has passed an ordinance requiring payment of an Interim Mitigation Fee for Endangered Species habitat, based upon the acreage being disturbed. The applicant has agreed to payment of this fee.

In addition to the mitigation measures approved by the City of Bakersfield, the following mitigation measures are recommended as a part of PUC approval:

1. Payment of the City of Bakersfield Interim Mitigation Fee, based upon the acreage being disturbed;
2. Construction and access to the construction site to take place only during daylight hours.

With mitigation outlined above, the project would have no significant impact on any threatened or endangered species.

	<u>Yes</u>	<u>Maybe</u>	<u>No</u>
3. Introduction of new species of animals into an area?	—	—	X
4. Deterioration to existing fish or wildlife habitat, or interference with the movement of resident or migratory fish or wildlife?	—	—	X
G. Land Use. Will the proposal result in:			
1. A substantial alteration of the present or planned land use in the area?	—	—	X

The MTSO is on land zoned M-1. It is adjacent to an office building, across Truxton Avenue Extension from the City's maintenance yard, and across Empire Drive from the City's stockpile of fill dirt. To the north of the property are transmission lines. The MTSO and its associated antenna would be compatible with these existing land uses.

Cell Site #1 is on a hilltop in a rural area of the City of Bakersfield. Immediately adjacent land uses are open space and oil production.

Approximately one-half mile northwest of the site is the City of Bakersfield landfill. Approximately one mile to the southwest of the site is a new residential development. A transmission line runs northwest-southeast in a valley between the residential development and the antenna site. One-half mile due south of the site is a developing mobile home park. To the east of the site is an oilfield. Parallel transmission lines run north-south to the east of the antenna site and adjacent to the mobile home park. The antenna would be compatible with these land uses.

Yes      Maybe      No

2. A conflict with Local, State or Federal land use plans or elements to those plans?

—      —      X

The project components are allowable uses, in some cases by conditional use permit (if such local permits were applicable to this cellular telephone system), at all the proposed sites.

H. Visual Quality. Will the proposal result in:

1. Obstruction of any scenic vista or view now observed from public areas?

—      —      X

2. Creation of an aesthetically offensive site open to public view?

—      X      —

Aesthetic considerations for the towers and equipment modules were evaluated for the cell site and the switching office.

The antenna for Cell Site #1 is in an environment where the majority of viewers will normally be at least one-half mile distant from the base of the towers. For many nearby residents, intervening topography will block views of the antenna site.

The antenna at the MTSO will be clearly visible to viewers in the northwest corner of the adjacent office building. Westbound travelers on Empire Drive probably will have a fleeting view, and eastbound travelers will have a full view of the antenna site. The antenna could be seen from Highway 99, but will be partially masked by the transmission lines that are between the antenna and the highway.

The selected sites would not have a significant impact on visual quality.

3. New light or glare substantially impacting other properties?

—      —      X

	Yes	Maybe	No
I. Human Population. Will the proposal result in:			
1. Growth inducement or concentration of population?	—	—	X
2. Relocation of people (involving either housing or employment)?	—	—	X
J. Housing. Will the proposal affect existing housing, or create a demand for additional housing?	—	—	X
K. Transportation/Circulation. Will the proposal result in:			
1. An increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system?	—	—	X
2. Effects on existing parking facilities, or demand for new parking?	—	—	X
3. A substantial increase in transit demand which cannot be accommodated by current transit capacity?	—	—	X
4. An increase in traffic hazards to motor vehicles, bicyclists or pedestrians?	—	—	X
5. Alterations to present patterns of circulation or movement of people and/or goods?	—	—	X
6. Alterations to waterborne, rail or air traffic?	—	—	X

Cell #1 will generate only very infrequent traffic. Approximately once a month maintenance crew will visit the site to test the signal.

The MTSO will generate only a very small amount of traffic. The facility will be staffed by 10 employees. Few visitors are anticipated as most of the customers will be signed up at off-site cellular telephone hardware businesses. Installation of phone hardware will also take place at these off-site businesses. There is provision for on-site sale and installation; however, the applicant anticipates most sales activity will take place off-site. The applicant is complying with City requirements for parking spaces.

The MTSO and Cell Site #1 will not result in a significant effect on circulation.

L. Noise. Will the proposal result in:

	Yes	Maybe	No
1. An increase in ambient noise levels?	—	—	X
2. An effect on noise sensitive receptors near or on project site?	—	—	X

The project will generate short-term noise increases during construction of the various project components. These increases are not expected to have a significant effect on adjacent residents.

M. History/Archaeology. Will the proposal result in:

1. Alteration or destruction of a prehistoric or historic archaeological site?	—	—	X
2. Adverse physical or aesthetic effects to a prehistoric or historic building, structure or object?	—	—	X
3. A physical change which would affect unique ethnic cultural values?	—	—	X
4. Restriction of existing religious or sacred uses within the potential impact area?	—	—	X

N. Public Services. Will the proposal result in:

1. Increased demand for fire or police protection?	—	—	X
2. Increased demand for schools, recreation or other public facilities?	—	—	X
3. Increased maintenance of public facilities, including roads?	—	—	X

O. Utilities. Will the proposal result in:

1. Expansion or alteration of water, sewer, power, storm water drainage or communication facilities?	—	—	X
--	---	---	---

	Yes	Maybe	No
2. A breach of published national State or local standards relating to solid waste or litter control?	—	—	X
P. Energy/Natural Resources. Will the proposal result in:			
1. Use of substantial amounts of fuel or energy?	—	—	X
2. Substantial increase in demand on existing sources of energy?	—	—	X
3. Substantial depletion of any nonrenewable natural resource?	—	—	X
Q. Hazards. Will the proposal result in:			
1. Creation of a potential health hazard or exposure of people to potential health hazards?	—	—	X

The Federal Communications Commission has determined that the microwave and other radio transmissions associated with cellular telephone systems do not pose a significant risk to humans. The proposed cellular telephone system will be operated at a very low wattage (one-eighth watt) using appropriately designed and installed microwave equipment.

The PUC acknowledges that technicians working on microwave installations must use due caution on equipment that is operating at certain power levels. The Commission also acknowledges that improperly aimed microwave signals could pose a health threat in certain circumstances. However, the Commission believes that the Applicant's equipment will be properly designed, installed, and operated so that the public is not at risk from this system.

The towers that will be necessary for this system will be designed and constructed so that they are not subject to failure from anticipated natural forces such as high winds and rain.

2. Interference with emergency response plans or emergency evacuation plans?

— — X

The proposed cellular telephone system will improve the emergency communications system in the Sacramento metropolitan area by providing individuals with mobile telephones the ability to contact police, fire, and emergency medical services from their vehicles or mobile units.



IV. REFERENCES

1. Proponent's Environmental Assessment, Cellular One of Bakersfield, before the Public Utilities Commission of the State of California, Application #87-12-040 and supplemental information provided by the applicant.
2. Federal Communications Commission, FCC 87-63, Gen. Docket No. 79-144, February 12, 1987 and May 5, 1987.

## III. MANDATORY FINDINGS OF SIGNIFICANCE

	Yes	Maybe	No
A. Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of a major period of California history or prehistory?	—	—	X
B. Does the project have the potential to achieve short-term, to the disadvantage of long-term environmental goals?	—	—	X
C. Does the project have impacts which are individually limited, but cumulatively considerable?	—	—	X
D. Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	—	—	X

IV. REFERENCES

1. Proponent's Environmental Assessment, Cellular Tower of Bakersfield, before the Public Utilities Commission of the State of California, Application #87-12-040 and supplemental information provided by the applicant.
2. Federal Communications Commission, FCC 87-63, Gen. Docket No. 79-144, February 12, 1987 and May 5, 1987.

V. PERSONS AND/OR AGENCIES CONSULTED

1. Michael Burke  
California Public Utilities Commission  
1107 - 9th Street, Suite 710  
Sacramento, CA 95814
2. Tom Poor  
Cellular One of Bakersfield  
P.O. Box 10311  
Bakersfield, CA 93389
3. Fred Simon  
City of Bakersfield Environmental Planner
4. Ken Cott  
City of Delano Planning Director
5. Ted Rado  
U.S. Fish and Wildlife Service  
Endangered Species Office  
2800 Cottage Way, Rm. 1823
6. Jim Bartell  
U.S. Fish and Wildlife Service  
Endangered Species Office
7. Dr. Larry Eng, Coordinator  
of California Endangered Species Act  
CA Department of Fish and Game  
1416 Ninth Street, Twelfth Floor  
Sacramento, CA 95814
8. Ron Rempel  
California Department of Fish and Game  
Region IV  
1234 East Shaw Avenue  
Fresno, CA 93710
9. Rod Goss  
California Department of Fish and Game  
Region IV


VI. DETERMINATION (To be completed by the Lead Agency)

On the basis of this initial evaluation:

- ☐ I find the proposed project COULD NOT have a significant effect on the environment. A NEGATIVE DECLARATION will be prepared.
- ☒ I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described in this Initial Study have been added to the project. A NEGATIVE DECLARATION will be prepared.
- ☐ I find the proposed project MAY have significant effects on the environment and an ENVIRONMENTAL IMPACT REPORT is required.

Date

1-19-88



Mike Burke  
Regulatory & Environmental Coordinator

## NOTICE OF DETERMINATION

TO: Office of Planning and Research  
1400 - 10th Street, Room 121  
Sacramento, CA 95814

FROM: Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, CA 94102

SUBJECT: Filing of Notice of Determination in compliance with Section 21108 or 21152 of the Public Resources Code.

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Project Title

Cellular One of Bakersfield

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State Clearinghouse Number  
(If-submitted to Clearinghouse)

SCH# 88011806

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Contact Person

Etaine Russell

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Telephone Number

(916) 324-6195

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Project Location

City of Bakersfield. The Mobile Telephone Switching Office is at the northeast corner of Truxtun Extension and Empire Drive; Antenna Site No. 1 is one-half mile east and one-quarter mile north of the intersection of Fairfax Road and Paladeno Drive.

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Project Description

Cellular One of Bakersfield is seeking interim approval from the Public Utilities Commission of a Certificate of Public Convenience and Necessity for its proposed Mobile Telephone Switching Office and Antenna Site No. 1.

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This is to advise that the Public Utilities Commission has approved the above described project and has made the following determinations regarding the above described project:

1. The project    will, X will not, have a significant effect on the environment.
2.    An Environmental Impact Report was prepared for this project pursuant to the provisions of CEQA.  
X A Negative Declaration was prepared for this project pursuant to the provisions of CEQA.  
The EIR or Negative Declaration and record of project approval may be examined at:

Public Information Counter

Public Utilities Commission

505 Van Ness Avenue

San Francisco, CA 94102

3. Mitigation measures X were,    were not, made a condition of the approval of the project.
4. A statement of Overriding Considerations    was,    was not, adopted for this project.

Date Received for Filing

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Victor Weissner  
Executive Director