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Decision 91-01-035 January 25, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Application of Atlantic Cellular Company, L.P., a Delaware limited partnership, doing business as Mountain Cellular, for a certificate of public convenience and necessity to construct and operate a domestic public land cellular radiotelephone system in El Dorado County, California.

ORIGINAL

Application 89-05-060 (Filed May 26, 1989; amended December 21, 1989 and June 15, 1990)

FINAL OPINION

On May 26, 1989, El Dorado Cellular Communications Company (herein "Atlantic") filed Application (A) 89-05-060 seeking authorization to construct a cellular radiotelephone system in California Rural Service Area (RSA) 11, which comprises El Dorado County. Atlantic amended its application on June 15, 1990 to request interim authority to begin service, pending completion of the Commission's environmental review of Atlantic's proposed initial system. Specifically, Atlantic proposed to use an existing communications facility at Pine Hill in western El Dorado County and a Mobile Telephone Switching Office (MTSO) in the City of Placerville. The Commission granted the requested relief in Decision (D.) 90-07-061 on July 18, 1990. D.90-07-061 enabled Atlantic to meet its construction deadline of October 27, 1990 as mandated by the Federal Communications Commission.

On October 16, 1990, the Commission circulated a draft focused environmental impact report (EIR) analyzing the environmental impacts of the initial permanent cellular system. The system described in the EIR and approved in this final decision consists of the facilities approved in D.90-07-061 with the addition of a permanent cell site to be located on Coon Hollow Road;

near the intersection of Highway 49 and Sacramento Street 0.3 mile south of the City of Placerville at N 38° 43' 25" and W 120° 48' 26".¹ The Coon Hollow (Placerville) site will consist of a new 108-foot steel lattice tower mounted with whip antennas and a microwave dish together with a 12x20-foot equipment shelter and perimeter fencing. There are no changes in the Pine Hill site and the MTSO as approved in our July 1990 interim order.²

The EIR analyzed the potential impacts of the project and three alternative sites with respect to the area's visual resources, land use compatibility, and the effects of radio frequency and microwave radiation. The EIR concluded that the project would have one significant environmental effect. Specifically, the EIR stated that the proposed Coon Hollow tower "is projected to have a marginally significant effect on existing visual resources, especially to residents and travelers located close to its base under one quarter mile." (EIR, p. 45, see also pp. 54 and 88-91.) At the close of the review period for the draft EIR, the Commission Advisory and Compliance Division's Environmental Section prepared a final EIR for our consideration. We have considered the EIR and the comments and responses to the comments presented in the final EIR.

Prior to granting final authority in A.89-05-060, we are required under Public Resources Code Section 21081 to make certain findings as to whether the significant effects of the Placerville

1 In addition to seeking interim approval for the Pine Hill site, the June amendment to A.89-05-060 reconfigured the proposed initial system, eliminating certain facilities originally proposed at Clarkville in El Dorado County.

2 In August 1990 Atlantic obtained a temporary use permit from the City of Placerville and installed a 30-foot wooden pole and a microwave relay dish and equipment shelter at the site. This temporary construction is the subject of a rehearing of D.90-07-061 granted by D.90-10-049.

site may be avoided or reduced or whether mitigation measures and project alternatives are infeasible.

Mitigation Measures
Because cellular radio telecommunications are wholly or partially broadcast over the air, transmitting and receiving facilities must be located so as to provide the largest coverage area possible. This requires that they be constructed above the level of objects which might otherwise block the transmission of signals. In RSA 11 much of the area is mountainous and tree covered. This requires that facilities be located on hill or ridge tops which are necessarily visible. Accordingly no mitigation measures are available for the proposed project. (EIR, p. 53).

An enclosure of tasteful design and appropriate landscaping would improve the visual appearance of the base of the tower. We will require this as a condition of final authority. The specific design shall be approved by the City of Placerville.

Alternatives
The EIR describes the process by which alternative sites were identified and considered (EIR, pp. 18-26). Atlantic's own development planning served to identify eight prospective sites based on the prerequisites of meeting the needs of the system and minimizing potential adverse impacts on the environment. Generally, the most workable sites were to be found at hill and ridge top locations, and each would involve visual impacts. The alternatives were refined to three specific sites for detailed analysis together with a No Project Alternative. These three sites were selected because each is an existing

3. An enclosure of tasteful design and appropriate landscaping is recommended to improve the visual appearance of the base of the tower was suggested in the EIR. However, this will not reduce the visual effects of the tower below the level of significance.

communications facility and would, at least in theory, afford an opportunity to minimize the visual impact of the proposed service.

The KHTN alternative would make use of an existing 100-foot FM radio tower situated south of the City of Placerville and east of the Coon Hollow Road project site. The KHTN tower also carries government agency communication antennas. The KHTN tower is not a viable alternative, however, since it would not afford a line-of-site link with the Pine Hill tower. The existing KHTN tower may not be structurally capable of supporting Atlantic's equipment. The owner of the tower has not made the site available to Atlantic and has indicated that additional construction would cause community controversy. (EIR, p. 23, Comment C-4, Response to Comment C-4).

The King Video alternative would involve the construction of a new tower adjacent to an existing cable television antenna tower facility located about 500 feet from the proposed Coon Hollow Road site. This alternative would require a taller, more visible tower than that proposed at Coon Hollow Road in order to achieve line-of-site microwave linkage with Pine Hill and to adequately cover the urban area of Placerville. The site has the potential for interfering with the satellite television antenna operated by King Video (EIR, p. 23, Comment C-5).

The Halldark tower site is an existing 450-foot steel lattice tower used by several local public and private broadcasters. The tower is situated southwest at Placerville at an elevation of 1,800 feet and cannot serve the City of Placerville due to the intervening terrain of Sacramento Hills (EIR, p. 26, Comment C-6).

Statement of Overriding Considerations

It is well established by numerous decisions of both the Federal Communications Commission and this Commission that cellular radio telecommunications are a vitally important component of the country's telecommunications network.

Cellular radio service also provides an important service in addition to the usual benefits of land-based telecommunications. Cellular telephony allows telephone communication from remote or mobile points where standard telephones are not available and cannot be used by law enforcement and emergency services. In the event of catastrophic events which disable electric service or parts of the land line system, cellular telephones continue to operate via free-standing back-up electric generators. (EIR, p. 7.)

Continuity of coverage is an especially important aspect of cellular telephone service. The proposed project would extend coverage from the Sacramento metropolitan area to Placerville along US Highway 50 including the several communities along that corridor. It is estimated that the service will have over 2,500 subscribers within five years. Cellular subscribers throughout the state would have roamer service available while in the area or traveling along that portion of US Highway 50.

The only significant effect of the proposed project identified in the EIR is a marginally significant effect on existing visual resources, especially to residents and travelers located close to its base (under one-quarter mile). The EIR estimates that 10-30 residents may have direct views of the tower (EIR, p. 41). Travelers near the base of the tower would view it "on a very short section of Highway 49 and the west end of Coon Hollow Road; the latter has very low traffic volumes." (EIR, p. 41.) An estimated 100 residences may be found within up to one-half mile of the site, but many of the residences would have partially or completely obstructed views of the tower due to mature trees and the topography of the area. The number of residences to the south and southwest is extremely limited (EIR, p. 44).

We conclude that in the absence of feasible mitigation measures and viable alternatives, the social and economic benefits of cellular radio telecommunications service outweigh the visual impact of the proposed Coon Hollow tower. The modest impact of this project, even taken as significant, is clearly overridden by our most important goal of establishing a cellular radio telecommunications network throughout the state.

Findings of Fact

1. The Commission, as lead agency, prepared and circulated a draft-focused EIR for the cellular radiotelephone service proposed in A.89-05-060 pursuant to the California Environmental Quality Act.

2. A final EIR was submitted to the assigned Administrative Law Judge on January 27, 1991.

3. The EIR concludes that the project would have a slight but significant effect on a small number of residences located within one-half mile of the project and to residents and travelers passing the base of the tower.

4. Due to the coverage requirements of the proposed service and the mountainous local terrain, the proposed tower must be situated at a point in prominent view.

5. An enclosure of tasteful design and appropriate landscaping would improve the visual appearance of the base of the tower.

6. No mitigation measures exist which would reduce the visual impact of the project to a level less than significant.

7. No viable alternatives exist which would allow adequate coverage and avoid or reduce the visual effects of the proposed tower.

8. The service is projected to have 2,500 subscribers by its fifth year of operation.

9. Cellular telephone service has been determined to be a vital component of the state and national telephone network.

10. Cellular telephone service provides access to locations where landline telephones are not available and is useful to public safety agencies.

11. Cellular telephones may provide communications access during emergency situations when landline service is disrupted.

Conclusions of Law

1. The focused EIR identified in the record of this proceeding should be certified as having been completed in compliance with the California Environmental Quality Act and reviewed and considered by the Commission.

2. The important public benefits of cellular radio telecommunications service in El Dorado County override the significant effects on visual resources which may result from the construction of the Placerville cell site.

3. The proposed cellular site situated on Coon Hollow Road should be approved.

4. In order to fully implement Atlantic's cellular service in RSA 11 this decision should be effective when signed.

FINAL ORDER

IT IS ORDERED that:

1. The final environmental impact report prepared for this project is hereby certified to have been prepared in compliance with the California Environmental Quality Act and has been reviewed and considered by this Commission.

2. Atlantic Cellular, Inc. is authorized to construct a cellular radio telecommunications site in Placerville on Coon Hill

Road at longitude W 120° 48' 26" and latitude N 38° 43' 25" as described in full in A.89-05-060 as amended on June 15, 1990.

3. Atlantic Cellular shall construct an enclosure of tasteful design and appropriate landscaping to improve the visual appearance of the base of the tower. The design of the enclosure and landscaping shall be subject to review and approval of the City of Placerville.

This order is effective today.

Dated January 25, 1991, at San Francisco, California.

PATRICIA M. BECKERT

President

G. MITCHELL WILK

JOHN B. OHANIAN

Commissioners

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

NEAL J. SPURLOCK, Executive Director