

FEB 6 1991

Decision 91-02-004 February 6, 1991

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application)
of CAL-ONE CELLULAR L.P. 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)
telecommunications system in)
California RSA No. 1 encompassing)
Humboldt, Del Norte, Siskiyou, and)
Trinity Counties.)

ORIGINAL

Application 90-07-039
(Filed July 11, 1990)

FINAL OPINION

In this decision we grant final authority for the establishment of permanent cellular radiotelephone service in Rural Service Area (RSA) 1 encompassing Humboldt, Del Norte, Siskiyou, and Trinity Counties.

Cal-One Cellular Limited Partnership (Cal-One) filed its application on July 11, 1990. The application was amended on September 26, 1990, requesting interim authority to immediately establish a single temporary cell site and that a certificate of public convenience and necessity (CPC&N) be issued for a permanent cellular radiotelephone service system in a final decision to be adopted after the completion of the Commission's environmental review. The Commission granted interim authority for the establishment of a single temporary cell site on October 12, 1990 (D.90-10-033). An initial study and negative declaration for the proposed three cell site system was prepared and circulated for public agency review and for public comment November 7 to December 7, 1990.

Cal-One filed a motion on December 19, 1990 requesting that the Commission adopt the negative declaration and issue its final decision in this proceeding.

In this decision we reaffirm our findings and conclusions concerning applicant's fitness and the feasibility of the proposed cellular radiotelephone service. We have considered the negative declaration and the comments we have received. We will approve the negative declaration and also adopt the findings and conditions of approval it contains. The negative declaration shall be made a part of the formal record in this proceeding.

The cellular system as approved in this final decision consists of a Mobile Telephone Switching Office (MTSO) located in Eureka and three cell cities. The cell sites are located on Humboldt Hill, near Eureka at latitude N 40° 42' 58" and longitude W 124° 12' 11"; at McKinleyville, N 40° 57' 37" W 124° 04' 06"; and on Bunker Hill, approximately eight miles south of the City of Ferndale, at latitude N 40° 30' 03" and at longitude W 124° 17' 10". This system will serve the Eureka-Arcada-Fortuna-Rohnerville-McKinleyville region which extends along the coast from False Cape to Trinidad extending inland some 10-15 miles. The area has a population of about 97,000 persons. About 15 small communities will be served with more than two-thirds of the area population located in the cities of Eureka and Arcada.

The approval of this application will bring wireline cellular service to those who live in the northwestern portion of the state. In conjunction with the nonwireline cellular service proposed in A.90-07-032 residents of the area will also have the opportunity to choose between two cellular service providers pursuant to the Federal Communications Commission cellular telephone licensing program of authorizing two carriers in each service area. Our decision in this matter is also a step toward completing continuous cellular service coverage throughout the state. Based on the content of the application and our desire to

quickly deploy cellular telephone service throughout the state, we find that the public convenience and necessity required approval of this application.

Findings of Fact

1. Applicant seeks a CPC&N to establish cellular radiotelephone service in RSA #1 and to construct a MTSO in Eureka, California, and three permanent cell sites.

2. A mitigated negative declaration was prepared and circulated and various comments received. The mitigated negative declaration finds that the proposed cellular service will not have a significant effect on the environment.

3. The public convenience and necessity require approval of this application.

Conclusions of Law

1. The motion and request for final authority to provide service should be granted.

2. The mitigated negative declaration for this application should be approved and the findings and conditions of approval it contains should be adopted.

3. Any future construction of cell sites at locations other than those specified herein should be subject to GO 159-B.

4. Because of the immediate need for service, this order should become effective today.

Only the amount paid to the State for operative rights may be used in rate fixing. The State may grant any number of rights and may cancel or modify the monopoly feature of these rights at any time.

FINAL ORDER

IT IS ORDERED that:

1. Cal-One Cellular Limited Partnership (Cal-One) is authorized to provide cellular radiotelephone service and to

construct cellular radio telecommunications sites and a mobile telephone switching office as described in A.90-07-039 and at page 2 of this decision.

2. Applicant shall obtain all applicable development permits required by any agency of the city or county having jurisdiction over development projects at the location of the approved cell sites.

3. Applicant shall comply with the conditions of approval contained the mitigated negative declaration which we approve and make a part of the record of this proceeding.

4. Applicant shall comply with General Order 159-B prior to the construction of any additional cell sites.

5. Within 30 days after this order is effective, applicant shall file a written acceptance of the authority granted in this decision.

6. Cal-One shall use U-3036-C as its corporate identification number in place of U-2125-C.

7. Applicant shall provide a copy of this decision to all local permitting agencies not later than 30 days from today.

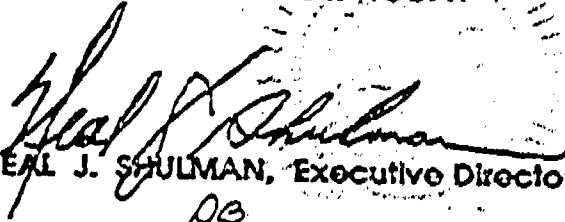
A.90-07-039 ALJ/K.W/dyk

Because there is an immediate need to provide cellular radio telecommunications service in Rural Service Area, this order is effective today.

Dated February 6, 1991, at San Francisco, California.

PATRICIA M. ECKERT
President
G. MITCHELL WILK
JOHN B. OHANIAN
Commissioners

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


NEAL J. SHULMAN, Executive Director
PB