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ORIGINAL

Decision No. 92511 DEC 16 1980

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of THE PACIFIC TELEPHONE AND TELEGRAPH COMPANY, a corporation, for authority to deviate from the mandatory undergrounding requirement of communication facilities within a portion of the boundary of Highway 680 and Vargas Road located in its Fremont Exchange.

Application No. 60039  
(Filed October 29, 1980)

OPINION AND ORDER

The Pacific Telephone and Telegraph Company (Applicant) seeks an order of this Commission to deviate from the mandatory undergrounding requirement of Decision No. 80864 (74 Cal. P.U.C. 454 (1972)), which implemented Section 320 of the Public Utilities Code, and to place four spans of new aerial cable on existing Pacific Gas and Electric Company poles within the boundary of Highway 680 and Vargas Road located in its Fremont Exchange as set forth on an engineering map delineating the project (Exhibit B to the application).

Applicant alleges that it was and is willing to place its facilities underground in accordance with Decision No. 80864 and Section 320 of the Public Utilities Code. However, the Department of Transportation of the State of California (Department) has denied Applicant a permit to do so. The Department has no objection to having Applicant place its facilities on the existing Pacific Gas and Electric Company poles provided Applicant can obtain approval from the Commission as set forth in a letter attached as Exhibit D to the application. Approval of the application will enable Applicant to extend feeder cable facilities from Mission Road by direct route to Vargas Road. Currently, there are seven held orders in the Vargas Road vicinity, including an order for residence service for a handicapped person. Applicant forecasts continued growth in

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this vicinity. These held orders cannot be completed and future growth cannot be accommodated without new facilities linking Vargas Road to the Central Office, because the existing cable providing service to the area is full and cannot be augmented.

Applicant further states that it has explored an alternative plan to serve this area. It involves reinforcement of an aerial mountain lead which is 7,300 feet long and would require replacement of ten poles. Additionally, eight interspersed poles would need to be placed in an area that is often inaccessible to maintenance vehicles during seasons of wet weather. It is Applicant's contention that this alternate route is unsatisfactory for maintenance reasons. Further, if the alternate route is used, structure, cable and splicing (recently placed at a cost of \$29,865) and cable on hand (which cost \$7,299) will be unusable. These expenditures were made based on earlier assurances from the Department permit representatives that Applicant could place its facilities underground or aurally on the Pacific Gas and Electric Company poles.

Applicant has consulted with the City Engineer and the Public Works Director of the City of Fremont about the proposed deviation. They have advised Applicant that they have no objection to the proposed deviation.

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Findings of Fact

1. The Department of Transportation has refused Applicant a permit to underground its facilities.
2. The facilities will enable Applicant to serve customers requesting telephone service.
3. It may be seen with certainty that there is no possibility that the project may have a significant effect on the environment.

Conclusion of Law

The request for a deviation from undergrounding requirements should be authorized.

IT IS ORDERED that The Pacific Telephone and Telegraph Company is authorized to deviate from the requirements of undergrounding its facilities in the area delineated in Exhibit B attached to the application.

The effective date of this order shall be thirty days after the date hereof.

Dated DEC 16 1930, at San Francisco, California.

John E. Bryan  
President

Commissioner Vernon L. Sturgeon, being necessarily absent, did not participate in the disposition of this proceeding.

Richard C. Grimes

Clair T. DeWitt

Commissioner Leonard M. Grimes, Jr., being necessarily absent, did not participate.

Commissioners