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Decision 96-06-022 June 6, 1996

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

In the Matter of the Application of )  
Sacramento Cellular Telephone )  
Company (U-3013-C) for authorization )  
to deviate from General Order 159 )  
for the Construction of its Granite )  
Bay High School Cell Site )

**ORIGINAL**

Application 95-11-028  
(Filed November 13, 1995)

O P I N I O N

Summary

Sacramento Cellular Telephone Company (SCTC) is granted authority to deviate from General Order (GO) 159 in the construction of its Granite Bay High School (school) cellular site, located at 9225 Wellington Way in Placer County, California.

Background

The deviation is necessary so that SCTC may conform to the construction schedule for the school's football field. By conforming to the school's construction schedule, SCTC would reduce its cost of construction by \$75,000 and avoid destroying newly installed school facilities.

SCTC proposes to construct a 100' tower which the school will use as a light standard. The tower will also carry SCTC's antennas at a height of approximately 60'. The school does not require a Conditional Use Permit for a light standard and will use the tower, whether or not SCTC receives the permits necessary to construct its facility.

SCTC's proposed cellular facility will consist of 12 antennas on the tower at approximately 60 feet above ground level, an approximately 10' (w)x20' (l)x10' (h) prefabricated state approved shelter containing radio transmitting and receiving

equipment, a DC power plant, heating ventilation and air conditioning units, and an alarm and fire suppression system. Commercial power to the site will be provided by Pacific Gas and Electric Company. There will be backup batteries on site in case of a power failure. SCTC intends to submit a GO 159 Advice Letter<sup>1</sup> once it has obtained all necessary permits to construct the facility.

In view of the need to conform to the school's construction schedule, SCTC requests authorization to construct its cellular facility in two phases, with construction to commence on the first phase prior to obtaining all permits necessary for construction of the second phase. Specifically, SCTC requests authority to: (1) drill the ground to prepare a foundation for the tower; (2) pour the concrete foundation; and, (3) install the tower in position (Phase 1). SCTC would construct the remainder of its cellular facility upon filing a GO 159 Advice Letter, following receipt of all discretionary permits for the cell site (Phase 2).

#### Discussion

We conclude that SCTC should be allowed a deviation from the requirements of GO 159 and be granted authority to complete construction of Phase I (only). If SCTC fails to obtain all necessary permits for its cellular facility, the school will continue to use the tower as a lighting standard, for which the school does not require a Conditional Use Permit.<sup>2</sup> Therefore, there will be no need to restore the site to the original condition if SCTC fails to obtain its permits.

<sup>1</sup> SCTC filed the instant application prior to issuance of GO 159-A.

<sup>2</sup> See Placer County Planning Department letter dated November 6, 1995, attachment to First Amendment to Application dated March 1, 1996.

With the issuance of Decision (D.) 96-05-035 dated May 8, 1996, adopting a revised GO 159-A, the notification requirement for new cellular facilities has changed. Cellular carriers are no longer required to file an Advice Letter prior to commencing construction. Accordingly, as required by GO 159-A, prior to commencing construction of Phase 2, SCTC should serve a notification letter on the Commission's Safety and Enforcement Division within 15 business days after all land use approvals are initially issued or there is a determination that no such approvals are required (GO 159-A, section IV, C 1).

Findings of Fact

1. As part of its cellular facility, SCTC proposes to construct a tower which will be used as a light standard on the Granite Bay High School football field.
2. In order to conform to the school's schedule for construction of its football field, SCTC needs to construct its facility in two phases.
3. SCTC needs a deviation from the GO 159 requirement that it obtain all discretionary permits prior to construction of its cellular facility (see D.94-11-018, mimeo., p. 52, Conclusion of Law 11.)

Conclusions of Law

1. Based on the facts presented, it makes economic sense to grant SCTC a deviation from GO 159, so that it may conform to the school's construction schedule for its football field. Accordingly, SCTC should be authorized to construct Phase 1 of its cellular facility at this time.
2. Prior to commencing construction of Phase 2, as required by GO 159-A, SCTC should serve a notification letter on the Commission's Safety and Enforcement Division.
3. Since there are no protests, SCTC's request for a deviation from GO 159 should be granted ex parte.

4. The phased construction of the Granite Bay School cellular site, as set forth in SCTC's amended application, is in the public interest and should be approved.

ORDER

IT IS ORDERED that:

1. Sacramento Cellular Company (SCTC), is granted a deviation from the requirements of General Order (GO) 159, in the construction of its cellular facility at Granite Bay High School.

2. SCTC is authorized to construct Phase 1 (only) of its cellular facility at Granite Bay High School. Phase I shall comprise (1) drilling the ground for the foundation; (2) pouring concrete for the foundation; and (3) installing a 100' tower with lighting fixtures only. Phase 2 shall consist of the remainder of the cellular facility.

3. Prior to commencing construction of Phase 2, as required by GO 159-A, SCTC shall serve a notification letter on the Commission's Safety and Enforcement Division (GO 159-A, section IV, C 1).

This order is effective today.

Dated June 6, 1996, at San Francisco, California.

P. GREGORY CONLON  
President  
JESSIE J. KNIGHT, JR.  
HENRY M. DUQUE  
JOSIAH L. NEEPER  
Commissioners

Commissioner Daniel Wm. Fessler,  
being necessarily absent, did not  
participate.