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RESOLUTION NO. T-11033

EVALUATION AND COMPLIANCE
DIVISION

DATE: April 16, 1986

RESOLUTION

____ Director
____ Numerical File
____ Alphabetical File
____ Accounting Officer

SUBJECT: Negative Declaration for A.86-02-001

WHEREAS: applicant Bay Area Cellular Telephone Company, has provided sufficient information regarding the environmental impact of the requested certificate of public convenience and necessity to construct and operate cellular radio telephone services in the San Francisco and San Jose Metropolitan areas;

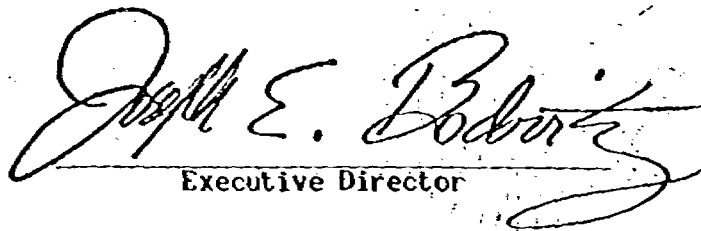
WHEREAS: notice of this proposed project has been provided to the State Clearinghouse, local agencies, property owners, and the public within the counties of proposed construction and no opposition to the project has been received by this Commission;

WHEREAS: the Commission staff has conducted an Initial Study of the environmental effects of the proposed project and concluded that there is no significant impact to the environment, mitigation measures having been made conditions of the findings;

BE IT RESOLVED THAT a Negative Declaration be approved for application number A.86-02-001.

I hereby certify that the foregoing Resolution was duly introduced, passed and adopted at a regular conference of the Public Utilities Commission of the State of California, held on April 16, 1986, the following Commissioners voting favorably thereon:

DONALD VIAL
President
VICTOR CALVO
PRISCILLA C. GREW
FREDERICK R. DUDA
Commissioners


Executive Director

PROPOSED NEGATIVE DECLARATION

Lead Agency: California Public Utilities Commission
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San Francisco, California 94102

Agency Contact Person: Randall Nelson

Telephone: (916) 324-0211

Project Sponsor: Bay Area Cellular Telephone Company
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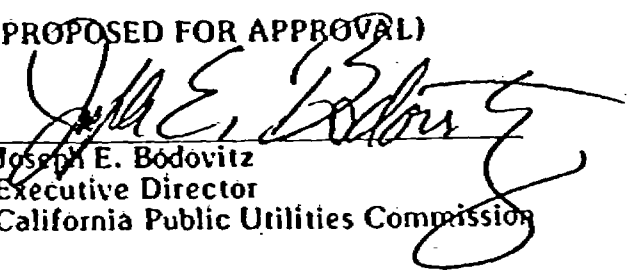
Project Sponsor Contact: Mike McNelly

Telephone: (415) 830-9500

Project Locations: 16 sites in 13 local jurisdictions of the San Francisco Bay and San Jose Standard Metropolitan Statistical Areas (SMSA's). A detailed site list follows in text.

This project could not have a significant effect on the environment. This finding is based upon the review required by the California Environmental Quality Act and is documented in the attached Initial Study. Mitigation measures identified in this document will be made a condition of project approval.

(PROPOSED FOR APPROVAL)


Joseph E. Bodovitz
Executive Director
California Public Utilities Commission

SUPPORTING DISCUSSION

This document is a mitigated negative declaration. The overall project is composed of a set of widely dispersed, relatively small structures whose only interconnection is through radio and telephone lines. Each of the individual structures would be the sole responsibility of its local permitting agency if they were not linked into a single system requiring a single operating permit. Since the individual systems operate at a low power in frequency bands well separated from television and ordinary broadcasting frequencies and since good frequency control is essential to the operation of the system, no significant interference with radio or television reception is to be anticipated.

The function of the system is to provide communication and it does not present any overall adverse impacts that reasonably can be considered significant. Accordingly, the only potential adverse impacts are those associated with the individual structures. Such impacts are ordinarily mitigated by the conditions set by the local permitting agencies. For this type of project it would be inappropriate for the CPUC to attempt to duplicate or replace the functions of the existing local agencies or to override the conditions set by local agencies to mitigate potential adverse environmental impacts. Hence, a negative declaration can be issued if the permit conditions imposed by the local agencies for each site are incorporated as conditions of the CPUC certificate. That is the form of mitigation adopted in this document.

INITIAL STUDY

BACKGROUND

A. Federal Communications Commission (FCC)

On April 9, 1981 the FCC adopted rules for the provision of cellular systems. These provisions include:

1. Until 1986, 20 Megahertz (MHz) of spectrum is reserved for telephone companies and 20 MHz for non-wireline companies in each market.
2. There will be two cellular systems per market area. Each market area is defined based upon standard metropolitan statistical areas.
3. 20 MHz is held in reserve for all land mobile services.
4. There are no limits on the number of markets that can be served by a single cellular mobile radio service (CMRS) operator.
5. Licensees and affiliates of licensees are allowed to manufacture radio equipment.
6. Telephone companies will be required to establish a fully separate subsidiary (FSS) to provide CMRS.
7. Wireline companies must provide equal interconnection to all cellular systems.
8. The FCC will pre-empt the state jurisdictions with regard to licensing but will not regulate rates.

- B. The California Environmental Quality Act (CEQA) and Rule 17.1 of the California Public Utilities Commission's Rules of Practice and Procedure entitled "Special Procedure for Implementation of the California Environmental Quality Act of 1970 (Preparation and Submission of Environmental Impact Reports)" require an environmental review of all developmental projects before the CPUC can issue a Certificate of Public Convenience and Necessity (CPC&N) for a project.

On February 3, 1986, Bay Area Cellular Telephone Company (Applicant) filed an application for a CPC&N to construct and operate a cellular mobile telephone service (described in Section 2), which requires such an environmental review.

The finding that a Negative Declaration is suitable for purposes of this project is based upon the requirement that all conditions of project approval at the local level are required by the Commission's conditions of issuance of a CPC&N. Therefore, this Negative Declaration is prepared for the project as proposed by the Applicant and includes all of the local jurisdictional requirements for cell site construction and operation.

PROJECT DESCRIPTION

The proposed cellular system is designed to allow a wide variety of local and long distance communications between fixed (office/home) and mobile (automobile) sites or between two vehicles. This system is intended to function as an extension of the present telephone network, and is primarily intended to provide service for the business community.

The mobile telephone system proposed by Applicant initially would divide the Bay Area (including Contra Costa, Alameda, Marin, San Francisco, San Mateo, and Santa Clara Counties) into a grid of 16 service areas. The size and location of each cell would be based on the volume of telephone traffic expected in each area and would range from about one to about ten miles in radius. The location of the cell sites are shown in the Figure following.

The system would be controlled from a Mobile Telephone Switching Office (MTSO), located at 505 - 14th Street, in the Oakland City Center Complex, in the City of Oakland. Switching equipment and operations and engineering offices would be located on the fifth floor of the 13-story structure. Construction would be limited to interior improvements.

Each of the cellular telephone system's cells would include a group of antennas and associated radio transceivers and switching equipment. The equipment needed to operate each cell site consists of telephone switching gear, transceivers, batteries, and in a few cases, for remote sites with poor access, an emergency generator to power the system in event of a power failure. Each cell would have its own radio receiver and low-power (less than 100 watts) transmitter, operating in the 835-845 MHz and 880-890 MHz radio frequency bands. About 350 to 500 square feet of equipment space would be required either within an existing building, or in a freestanding pre-engineered equipment module.

Four to nine 13-foot high whip-type transmitting and receiving antennas would be installed at each site. The sites are located at existing buildings, existing towers, and new towers which would range from 50 to 160 feet in height. With the exception of the Montara site (a 120-foot-tall lattice work tower) each tower would be a self-supported monopole tower as depicted in Figure 4. The monopole tower would be a single rigid mast ranging from 42 to 60 inches in diameter at the base, tapering to about 20 inches at the top. Mounted at the top of the mast on a horizontal plane, a single triangular platform would support the antennas. Perimeter fencing would be needed at six sites for the security of the electrical equipment, and to prevent unauthorized access to the tower. The cells would operate unattended.

Electronic interference between the cellular system and commercial radio and television transmission or civilian aeronautical communication is not expected to occur. Commercial radio, VHF and aeronautical transmission all operate at frequencies which are less than 300 MHz. Furthermore, the FCC is responsible for assigning cellular radio frequencies and to assign them in such a way as to eliminate the possibility of interference with existing transmission.

Applicant is currently requesting approval of a service comprising 16 cell sites. Four of the sites will be located on the rooftops of existing buildings, six of the sites will be located at existing towers or communication facilities and six of the sites will require new monopole towers. The 16 cell sites span 13 local jurisdictions. Table 1 (attached) is a summary of cell site descriptions including the review and approval that may be required along with the Responsible Agencies with jurisdiction over each of the cell sites.