

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
TELECOMMUNICATIONS BRANCH

RESOLUTION T-14090
Date: May 29, 1990

R E S O L U T I O N

RESOLUTION T-14090. BAY AREA CELLULAR TELEPHONE COMPANY (CIS ID NO. U-3007-C). ORDER AUTHORIZING THE ADDITION OF A NEW MOBILE TELEPHONE SWITCHING OFFICE IN SAN FRANCISCO/SAN JOSE GEOGRAPHIC AREAS.

BY ADVICE LETTER NO. 39, FILED ON April 27, 1990.

SUMMARY

BAY AREA CELLULAR TELEPHONE COMPANY (BACTC), by Advice Letter No. 39, filed on April 27, 1990, requests authority under the provisions of General Order 159 (G.O. 159) and Decision No. 90-03-080 (March 28, 1990) to add a new mobile telephone switching office (MTSO) to its existing cellular system serving the San Francisco Geographic Areas. This Resolution authorizes the construction of the new MTSO, located at 1051 Martin Avenue, Santa Clara. No protests to this Advice Letter have been filed as of May 18, 1990, the end of the protest period.

BACKGROUND

In Decision No. 90-03-080, the Commission adopted G.O. 159 which prescribes rules relating to the planning and construction of expansion and in-fill cellular radiotelephone facilities in California. Under G.O. 159, a cellular utility must obtain authorization from the Commission prior to the construction of cellular facilities not described in its application for a certificate of public convenience and necessity.

G.O. 159 specifies requirements for filing advice letters with the Commission requesting authorization to construct additional cellular facilities. A cellular utility must file an advice letter requesting authorization to construct after it has received all approvals for the proposed construction required by any governmental agencies with jurisdiction over the proposed construction, or which would have jurisdiction absent the Commission's preemption.

DISCUSSION

Advice Letter No. 39 contains all the information required under G.O. 159 to be included in an Advice Letter filing for authority to construct additional cellular facilities.

BACTC has obtained permits or approvals from the following governmental entities and asserts that these entities comprise all governmental entities that have jurisdiction over the proposed construction (with the exception of the California Public Utilities Commission): the City of Santa Clara, the Santa Clara County Airport Land Use Commission, the Federal Aviation Administration, and the Federal Communications Commission.

The proposed construction will be located at 1051 Martin Avenue, Santa Clara, California 95050. It will consist of an 18,000 square foot building and one 150-foot three-legged freestanding tower. At each leg of the tower will be a concrete foundations that is one foot by one foot square and 25 feet deep into the ground. Nine cellular antennas will be located on the tower. One 200 kilowatt diesel generator for emergency power will be located inside the building, and one 1,000-gallon underground fuel tank will be located outside the building. Power will be provided to the cellular facilities from an existing city power pole via an underground power line and a new transformer. Microwave dishes may be added to the tower at a later date.

The new MTSO in Santa Clara will become part of BACTC's cellular system serving the San Francisco/San Jose Geographic Area.

PROTESTS

No protests have been filed on BACTC's Advice Letter No. 39.

FINDINGS

1. On April 27, 1990, Bay Area Cellular Telephone Company (BACTC) filed Advice Letter No. 39 requesting Commission authorization to construct a new mobile telephone switching office located at 1051 Martin Avenue in Santa Clara.
2. The new mobile telephone switching office represents an additional cellular radiotelephone facility not described in the decision which granted BACTC a certificate of public convenience and necessity.
3. Decision 90-03-080 adopts G.O. 159 which sets forth certain requirements for the filing of advice letters requesting authorization to construct cellular radiotelephone facilities not described in a utility's certificate of public convenience and necessity.

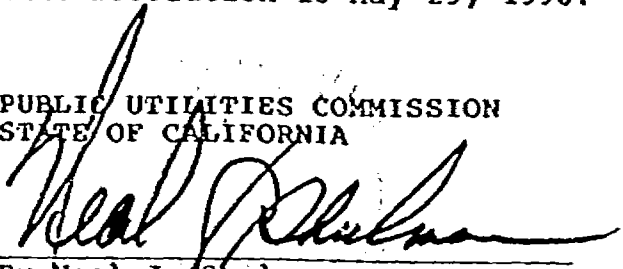
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4. Advice Letter No. 39 conforms to the requirements of Decision 90-03-080 and G.O. 159.
5. A BACTC officer signed a declaration which states that BACTC has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 39.
6. Advice Letter No. 39 lists the following entities which have jurisdiction over the proposed construction of the proposed mobile telephone switching office: the City of Santa Clara, the Santa Clara County Airport Land Use Commission, the Federal Aviation Administration, and the Federal Communications Commission.
7. Advice Letter No. 39 states that the City of Santa Clara, the Santa Clara County Airport Land Use Commission, the Federal Aviation Administration, and the Federal Communications Commission comprise all governmental entities that have jurisdiction over the proposed construction of the proposed mobile telephone switching office.

THEREFORE, IT IS ORDERED that:

- (1) Bay Area Cellular Telephone Company's request for authority to construct the mobile telephone switching office is granted.
- (2) The effective date of this resolution is May 29, 1990.

PUBLIC UTILITIES COMMISSION
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By Neal J. Shulman
Executive Director