

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION RESOLUTION T-14091
TELECOMMUNICATIONS BRANCH Date May 29, 1990

R E S O L U T I O N

RESOLUTION T-14091 BAY AREA CELLULAR TELEPHONE (CIS ID NO. U-3007-C). ORDER AUTHORIZING THE ADDITION OF A NEW CELL SITE IN THE SAN FRANCISCO/SAN JOSE CELLULAR GEOGRAPHIC SERVICE AREAS.

BY ADVICE LETTER NO. 41, FILED ON APRIL 27, 1990.

SUMMARY

Bay Area Cellular Telephone (BACTC), by Advice Letter No. 41, 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 cellular radiotelephone cell site to its existing cellular system serving the San Francisco/San Jose Cellular Geographic Service Areas. This Resolution authorizes the construction of the new cell site, known as the Pinole site, located at 5435 Heavenly Ridge Lane. No protests to this Advice Letter have been filed.

BACKGROUND

In Decision No. 90-03-080, the California Public Utilities Commission (Commission) adopted G.O. 159 which prescribes rules relating to the planning and construction of expansion and in-fill cellular radiotelephone facilities. Under G.O. 159, a cellular utility must obtain authorization from the Commission before 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. 41 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 Richmond and the Federal Communications Commission.

The proposed construction will be located at 5435 Heavenly Ridge Lane and is known as the Pinole site. It will consist of six four-foot antennas mounted on the south and northwest sides of an existing residential structure. None of the antennas will extend beyond the roof line of the residence. In addition, a 320 square foot utility structure will be constructed beneath an existing wood deck located on the west side of the residence. A three-foot diameter microwave dish will be installed under the deck within the utility structure. The top of the dish will extend four feet above the ground.

The Pinole site will become part of BACTC's cellular system serving the San Francisco/San Jose Cellular Geographic Service Areas.

PROTESTS

No protests have been filed on BACTC's Advice Letter No. 41.

FINDINGS

1. On April 27, 1990, Bay Area Cellular Telephone filed Advice Letter No. 41 requesting Commission authorization to construct the Pinole cell site located at 5435 Heavenly Ridge Lane.
2. The Pinole site represents an additional cellular radiotelephone facility not described in D. 86-05-010, granting 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.
4. Advice Letter No. 41 conforms to the requirements of Decision 90-03-080 and G.O. 159.

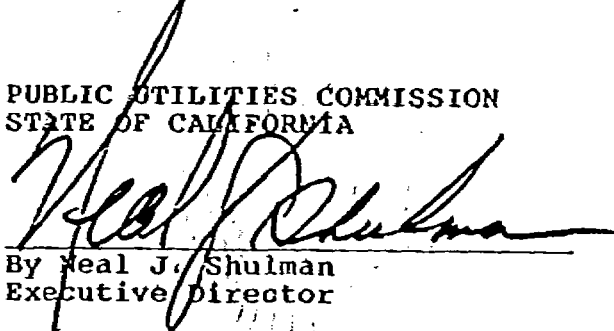
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5. A BACTC officer signed a declaration which states that BACTC has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 41.
6. Advice Letter No. 41 lists the following entities which have jurisdiction over the proposed construction of the Pinole cell site: the City of Richmond and the Federal Communications Commission.
7. Advice Letter No. 41 indicates that the City of Richmond and the Federal Communications Commission comprise all governmental entities, except for the California Public Utilities Commission, that have jurisdiction over the proposed construction of the Pinole cell site.

THEREFORE, IT IS ORDERED that:

- (1) Bay Area Cellular Telephone's request for authority to construct the Pinole cell site is granted.
- (2) The effective date of this resolution is May 29, 1990.

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA



By Neal J. Shulman
Executive Director