

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION RESOLUTION T-14127
Telecommunications Branch Date: August 10, 1990

R E S O L U T I O N

RESOLUTION T-14127. GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP. EXECUTIVE ORDER AUTHORIZING THE ADDITION OF A NEW CELL SITE IN GTE MOBILNET'S CELLULAR GEOGRAPHIC SERVICE AREA.

BY ADVICE LETTER NO. 39, FILED ON JULY 10, 1990.

SUMMARY

GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP (GTEM-CA, Ltd.), by Advice Letter No. 39, filed on July 10, 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 GTE Mobilnet's Cellular Geographic Service Area (CGSA). This Resolution authorizes the construction of the new cell site, known as the San Tomas/El Camino site, located at 2336 El Camino Real, Santa Clara, CA. No protests to this Advice Letter have been filed.

BACKGROUND

Under G.O. 159 (D.90-03-080), 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. 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.

GTEM-CA, Ltd. has obtained permits or approvals from the following governmental entities and asserts that these entities comprise all governmental entities that exert jurisdiction over the proposed construction (with the exception of the California Public Utilities Commission): City of Santa Clara, Federal Aviation Administration.

The proposed construction will be located at 2336 El Camino Real, Santa Clara, CA and is known as the San Tomas/El Camino site. It will consist of a 45' monopole with antennas and up to two microwave dishes, a 13'x 20' equipment building and a chain link fence around the monopole in the parking lot behind Gerard Tire Co. An electronic alarm, battery back-up power, air conditioning, Halon fire protection, an electric meter, a generator, and a fuel tank will also be installed.

The San Tomas/El Camino site will become part of GTEM-CA, Ltd.'s cellular system serving GTE Mobilnet's Cellular Geographic Service Area (CGSA).

Public notice that GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP filed Advice Letter No. 39 requesting authority to construct the San Tomas/El Camino site appeared in the California Public Utilities Commission's July 13, 1990 Daily Calendar. In addition, copies of GTEM-CA, Ltd.'s Advice Letter No. 39 were mailed in accordance with the Commission's General Order No. 96-A, Section III. G, to competing utilities either privately or publicly owned, adjacent utilities either privately or publicly owned, utilities having requested such notification, and other interested parties having requested such notification.

PROTESTS

No protests have been filed on GTEM-CA, Ltd.'s Advice Letter No. 39.

FINDINGS

1. On July 10, 1990, GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP filed Advice Letter No. 39 requesting Executive authorization to construct the San Tomas/El Camino cell site located at 2336 El Camino Real, Santa Clara, CA.
2. The San Tomas/El Camino site represents an additional cellular radiotelephone facility not described in D.84-11-029, granting GTEM-CA, Ltd. a certificate of public convenience and necessity.

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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. 39 conforms to the requirements of Decision 90-03-080 and G.O. 159.
5. A GTEM-CA, Ltd. officer signed a declaration which states that GTEM-CA, Ltd. 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 San Tomas/El Camino cell site: City of Santa Clara, Federal Aviation Administration.
7. Advice Letter No. 39 states that City of Santa Clara, Federal Aviation Administration comprise all governmental entities that exert jurisdiction over the proposed construction of the San Tomas/El Camino cell site.

THEREFORE, IT IS ORDERED that:

- (1) GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP's request for authority to construct the San Tomas/El Camino cell site is granted.
- (2) The effective date of this resolution is August 10, 1990.

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA


By NEAL J. SHULMAN

Executive Director