

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION  
Telecommunications Branch

RESOLUTION T-14135  
Date: August 6, 1990

R E S O L U T I O N

RESOLUTION T-14135. GTE MOBILNET OF CALIFORNIA.  
EXECUTIVE ORDER AUTHORIZING THE ADDITION OF A NEW CELL  
SITE IN THE SAN FRANCISCO CELLULAR GEOGRAPHIC AREA.

BY ADVICE LETTER NO. 38, FILED ON July 6, 1990.

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SUMMARY

GTE Mobilnet of California (GTEM-CA, Ltd.), by Advice Letter No. 38, filed on July 6, 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 Cellular Geographic Area. This Resolution authorizes the construction of the new cell site, known as the Cupertino Loc-N-Store site, located at 10655 Mary Avenue, Cupertino. 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. 38 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 have jurisdiction over the proposed construction (with the exception of the California Public Utilities Commission): the City of Cupertino, the Federal Aviation Administration, and the Federal Communications Commission.

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The proposed construction will be located at 10655 Mary Avenue, Cupertino and is known as the Cupertino Loc-N-Stor site. It is located at the Cupertino Loc-N-Store, next to Highway 280 and Highway 85. The proposed construction will consist of radio transmitting/receiving equipment, electronic alarm, a 50' monopole with antennas, up to two (2) microwave dishes, batteries (back-up power), air conditioning, halon fire protection, an electrical meter for power, and a six (6') foot chain link fence around a monopole. An existing building consisting of approximately 400 square feet will be used for storage.

The Cupertino Loc-N-Stor site will become part of GTEM-CA, Ltd.'s cellular system serving the San Francisco Cellular Geographic Area.

Public notice that GTE Mobilnet of California filed Advice Letter No. 38 requesting authority to construct the Cupertino Loc-N-Stor site appeared in the California Public Utilities Commission's July 11, 1990 Daily Calendar. In addition, copies of GTEM-CA, Ltd.'s Advice Letter No. 38 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. 38.

#### FINDINGS

1. On July 6, 1990, GTE Mobilnet of California filed Advice Letter No. 38 requesting Executive authorization to construct the Cupertino Loc-N-Stor cell site located at 10655 Mary Avenue, Cupertino .
2. The Cupertino Loc-N-Stor site represents an additional cellular radiotelephone facility not described in Decision 88-08-063, granting GTEM-CA, Ltd. 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. 38 conforms to the requirements of Decision 90-03-080 and G.O. 159.

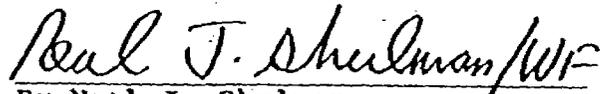
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5. A GTEM-CA, Ltd. officer signed a declaration which states that GTEM-CA, Ltd. has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 38.
6. Advice Letter No. 38 lists the following entities which have jurisdiction over the proposed construction of the Cupertino Loc-N-Stor cell site: the City of Cupertino, the Federal Aviation Administration, and the Federal Communications Commission.
7. Advice Letter No. 38 states that the City of Cupertino, the Federal Aviation Administration, and the Federal Communications Commission comprise all governmental entities that have jurisdiction over the proposed construction of the Cupertino Loc-N-Stor cell site.

THEREFORE, IT IS ORDERED that:

- (1) GTE Mobilnet of California's request for authority to construct the Cupertino Loc-N-Stor cell site is granted.
- (2) The effective date of this resolution is August 6, 1990.

PUBLIC UTILITIES COMMISSION  
STATE OF CALIFORNIA

  
By Neal J. Shulman  
Executive Director