

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications Branch

RESOLUTION T-14184
Date: October 17, 1990

R E S O L U T I O N

RESOLUTION T-14184. STOCKTON CELLULAR TELEPHONE COMPANY EXECUTIVE ORDER AUTHORIZING THE ADDITION OF A NEW CELL SITE IN THE Modesto Metropolitan Statistical Area.

BY ADVICE LETTER NO. 28, FILED ON September 17, 1990.

SUMMARY

STOCKTON CELLULAR TELEPHONE COMPANY (SKTC), by Advice Letter No. 28, filed on September 17, 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 Modesto Metropolitan Statistical Area. This Resolution authorizes the construction of the new cell site, known as the MDO2 N.E. Modesto cell site, located at 2904 Fine Ave., Modesto, 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. 28 contains all the information required under G.O. 159 to be included in an Advice Letter filing for authority to construct additional cellular facilities.

SKTC 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 County of Stanislaus, The Federal Aviation Administration, and the Federal Communications Commission.

The proposed construction will be located at 2904 Fine Ave., Modesto, CA and is known as the MDO2 N.E. Modesto cell site. It will consist of one 12' x 32' x 10' concrete and steel modular building and the addition of twelve cellular antennas to an existing 330 foot tower

The MDO2 N.E. Modesto cell site will become part of SKTC's cellular system serving the Modesto Metropolitan Statistical Area.

Public notice that STOCKTON CELLULAR TELEPHONE COMPANY filed Advice Letter No. 28 requesting authority to construct the MDO2 N.E. Modesto cell site appeared in the California Public Utilities Commission's September 19, 1990 Daily Calendar. In addition, copies of SKTC's Advice Letter No. 28 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 SKTC's Advice Letter No. 28.

FINDINGS

1. On September 17, 1990, STOCKTON CELLULAR TELEPHONE COMPANY filed Advice Letter No. 28 requesting Executive authorization to construct the MDO2 N.E. Modesto cell site located at 2904 Fine Ave., Modesto, CA.
2. The MDO2 N.E. Modesto cell site represents an additional cellular radiotelephone facility not described in D.88-10-050, granting SKTC 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

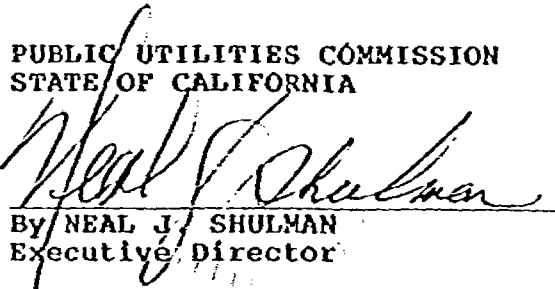
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- authorization to construct cellular radiotelephone facilities not described in a utility's certificate of public convenience and necessity.
4. Advice Letter No. 28 conforms to the requirements of Decision 90-03-080 and G.O. 159.
 5. A SKTC officer signed a declaration which states that SKTC has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 28.
 6. Advice Letter No. 28 lists the following entities which have jurisdiction over the proposed construction of the MDO2 N.E. Modesto cell site: The County of Stanislaus, The Federal Aviation Administration, and the Federal Communications Commission.
 7. Advice Letter No. 28 states that The County of Stanislaus, The Federal Aviation Administration, and the Federal Communications Commission comprise all governmental entities that have jurisdiction over the proposed construction of the MDO2 N.E. Modesto cell site.

THEREFORE, IT IS ORDERED that:

- (1) STOCKTON CELLULAR TELEPHONE COMPANY's request for authority to construct the MDO2 N.E. Modesto cell site is granted.
- (2) The effective date of this resolution is October 17, 1990.

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA


By NEAL J. SHULMAN
Executive Director