

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications Branch

RESOLUTION T-14224
Date: November 16, 1990

R E S O L U T I O N

RESOLUTION T-14224. BAY AREA CELLULAR TELEPHONE COMPANY. EXECUTIVE ORDER AUTHORIZING THE ADDITION OF A NEW CELL SITE IN THE SAN FRANCISCO/SAN JOSE CELLULAR GEOGRAPHIC SERVICE AREAS.

BY ADVICE LETTER NO. 62, FILED ON OCTOBER 16, 1990.

SUMMARY

BAY AREA CELLULAR TELEPHONE COMPANY (BACTC), by Advice Letter No. 62, filed on October 16, 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 Berryessa site, located at 631 Giguere Court, San Jose, 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. 62 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 San Jose, the Federal Aviation Administration, and the Federal Communications Commission.

The proposed construction will be located at 631 Giguere Court, San Jose, CA and is known as the Berryessa site. It will consist of nine antennas mounted on top a 75-foot tower, a 350 square foot equipment shelter, and a 1,162 square foot warehouse area in an industrial building

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

Public notice that BAY AREA CELLULAR TELEPHONE COMPANY filed Advice Letter No. 62 requesting authority to construct the Berryessa site appeared in the California Public Utilities Commission's October 19, 1990 Daily Calendar. In addition, copies of BACTC's Advice Letter No. 62 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 BACTC's Advice Letter No. 62.

FINDINGS

1. On October 16, 1990, BAY AREA CELLULAR TELEPHONE COMPANY filed Advice Letter No. 62 requesting Executive authorization to construct the Berryessa cell site located at 631 Giguere Court, San Jose, CA.
2. The Berryessa site represents an additional cellular radiotelephone facility not described in Decision 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. 62 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. 62.
6. Advice Letter No. 62 lists the following entities which have jurisdiction over the proposed construction of the Berryessa cell site: the City of San Jose, the Federal Aviation Administration, and the Federal Communications Commission.

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THEREFORE, IT IS ORDERED that:

- (1) BAY AREA CELLULAR TELEPHONE COMPANY's request for authority to construct the Berryessa cell site is granted.
- (2) The effective date of this resolution is November 16, 1990.

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Neal J. Shulman/WF
By NEAL J. SHULMAN
Executive Director