

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION RESOLUTION T-14246  
Telecommunications Branch Date: December 8, 1990

R E S O L U T I O N

RESOLUTION T-14246. 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. 68, FILED ON NOVEMBER 8, 1990.

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SUMMARY

Bay Area Cellular Telephone Company (BACTC), by Advice Letter No. 68, filed on November 8, 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 West Sunol site, located at 42250 Vargas Road, Fremont, CA 94538. 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. 68 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 entity and asserts that it is the sole entity which has jurisdiction over the proposed construction (with the exception of the California Public Utilities Commission): the City of Fremont.

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The proposed construction will be located at 42250 Vargas Road, Fremont, CA 94538 and is known as the West Sunol site. It will consist of a one-story equipment shelter, approximately 240 square feet in size, located next to an existing garage. A twenty-four inch microwave dish will be attached to the north side of the equipment shelter, approximately twelve feet above the ground. Six twelve-foot cellular towers will be individually mounted on poles six-feet apart.

The West Sunol 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. 68 requesting authority to construct the West Sunol site appeared in the California Public Utilities Commission's November 14, 1990 Daily Calendar. In addition, copies of BACTC's Advice Letter No. 68 were nailed 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. 68.

FINDINGS

1. On November 8, 1990, Bay Area Cellular Telephone Company filed Advice Letter No. 68 requesting Executive authorization to construct the West Sunol cell site located at 42250 Vargas Road, Fremont, CA 94538.
2. The West Sunol 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. 68 conforms to the requirements of Decision 90-03-080 and G.O. 159.

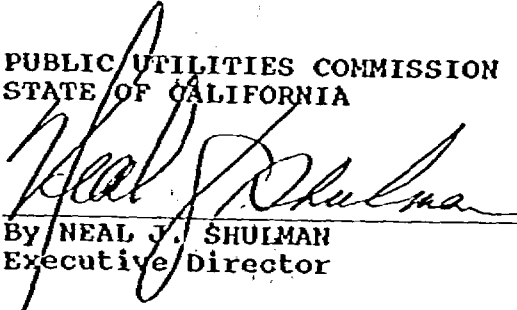
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5. A BACTC officer signed a declaration which states that BACTC has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 68.
6. Advice Letter No. 68 states that the City of Fremont is the only governmental entity that has jurisdiction over the proposed construction of the West Sunol cell site.

THEREFORE, IT IS ORDERED that:

- (1) Bay Area Cellular Telephone Company's request for authority to construct the West Sunol cell site is granted.
- (2) The effective date of this resolution is December 8, 1990.

PUBLIC UTILITIES COMMISSION  
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By NEAL J. SHULMAN  
Executive Director