

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION RESOLUTION T-14251
Telecommunications Branch Date: December 12, 1990

R E S O L U T I O N

RESOLUTION T-14251. BAY AREA CELLULAR TELEPHONE COMPANY. EXECUTIVE ORDER AUTHORIZING THE ADDITION OF A NEW CELL SITE IN THE SAN FRANCISCO/SAN JOSE CELLULAR GEOGRAPHIC SERVICE AREA.

BY ADVICE LETTER NO. 56, FILED ON SEPTEMBER 26, 1990.

SUMMARY

Bay Area Cellular Telephone Company (BACTC), by Advice Letter No. 56, filed on September 26, 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 Area. This Resolution authorizes the construction of the new cell site, known as the East Palo Alto Cell Site No. 133, located at 3047 East Bayshore Road, Palo Alto, California. 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. 56 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

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Public Utilities Commission); the City of Palo Alto, and the Federal Communications Commission.

The proposed construction will be located at 3047 East Bayshore Road, Palo Alto, California and is known as the East Palo Alto Cell Site No. 133. It will consist of six (6) cellular antennas mounted on the walls of an elevator penthouse of an existing self-storage building. Three (3) antennas each will be placed on the north and south walls. The antennas will extend approximately two feet above the top of the elevator penthouse. In addition, an equipment room will be placed in the building. Power will be supplied from an existing panel in the electric room located on the first floor of the building.

The East Palo Alto Cell Site No. 133 will become part of BACTC's cellular system serving the San Francisco/San Jose Cellular Geographic Service Area.

Public notice that Bay Area Cellular Telephone Company filed Advice Letter No. 56 requesting authority to construct the East Palo Alto Cell Site No. 133 appeared in the California Public Utilities Commission's September 28, 1990 Daily Calendar. In addition, copies of BACTC's Advice Letter No. 56 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. 56.

FINDINGS

1. On September 26, 1990, Bay Area Cellular Telephone Company filed Advice Letter No. 56 requesting Executive authorization to construct the East Palo Alto Cell Site No. 133 located at 3047 East Bayshore Road, Palo Alto, California.
2. The East Palo Alto Cell Site No. 133 represents an additional cellular radiotelephone facility not described in D.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. 56 conforms to the requirements of Decision 90-03-080 and G.O. 159.

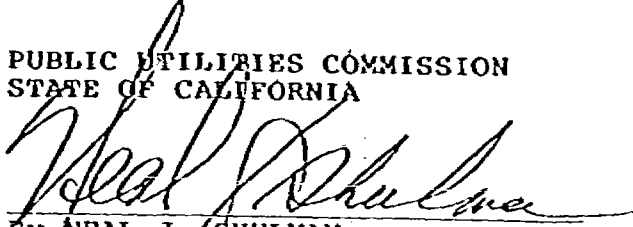
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5. A BACTC officer signed a declaration which states that BACTC has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 56.
6. Advice Letter No. 56 lists the following entities which have jurisdiction over the proposed construction of the East Palo Alto Cell Site No. 133: the City of Palo Alto, and the Federal Communications Commission.

THEREFORE, IT IS ORDERED that:

- (1) Bay Area Cellular Telephone Company's request for authority to construct the East Palo Alto Cell Site No. 133 is granted.
- (2) The effective date of this resolution is December 12, 1990.

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By NEAL J. SHULMAN
Executive Director