

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications Branch

RESOLUTION T-14284
Date: January 6, 1991

R E S O L U T I O N

RESOLUTION T-14284. DATA CELLULAR SYSTEMS. EXECUTIVE ORDER AUTHORIZING THE MODIFICATION OF AN EXISTING CELL SITE IN THE SIERRA RURAL SERVICE AREA.

BY ADVICE LETTER NO. 2, FILED ON DECEMBER 6, 1990.

SUMMARY

DATA CELLULAR SYSTEMS (DCS), by Advice Letter No. 2, filed on December 6, 1990, requests authority under the provisions of General Order 159 (G.O. 159) and Decision No. 90-03-080 (March 28, 1990) to modify an existing cellular radiotelephone cell site in its existing cellular system serving the Sierra Rural Service Area. This Resolution authorizes the modification of the existing cell site, known as the Banner Mountain site, located at the end of Banner Lava Cap Road at the top of Banner Mountain in Nevada County. 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 or modification 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 modify after it has received all approvals for the proposed modification required by any governmental agencies with jurisdiction over the proposed modification, or which would have jurisdiction absent the Commission's preemption.

DISCUSSION

Advice Letter No. 2 contains all the information required under G.O. 159 to be included in an Advice Letter filing for authority to modify additional cellular facilities.

DCS 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 modification (with the exception of the California Public Utilities Commission): the County of Nevada, the California Department of Forestry, the Federal Aviation Administration, and the Federal Communications Commission.

The proposed modification will be located at the end of Banner Lava Cap Road at the top of Banner Mountain in Nevada

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County and is known as the Banner Mountain site. It will consist of 3 antennas on top of an existing 60-foot tower and a trailer to store equipment.

The modifications to Banner Mountain site will become part of DCS's cellular system serving the Sierra Rural Service Area.

Public notice that DATA CELLULAR SYSTEMS filed Advice Letter No. 2 requesting authority to modify the Banner Mountain site appeared in the California Public Utilities Commission's December 10, 1990 Daily Calendar. In addition, copies of DCS's Advice Letter No. 2 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 DCS's Advice Letter No. 2.

FINDINGS

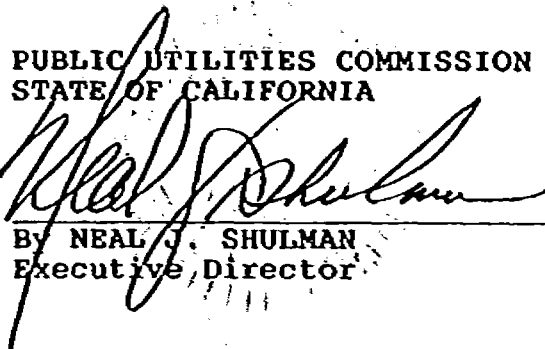
1. On December 6, 1990, DATA CELLULAR SYSTEMS filed Advice Letter No. 2 requesting Executive authorization to modify the Banner Mountain cell site located at the end of Banner Lava Cap Road at the top of Banner Mountain in Nevada County.
2. The Banner Mountain site represents a modification of a cellular radiotelephone facility not described in D.90-10-061, granting DCS 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 or modify cellular radiotelephone facilities not described in a utility's certificate of public convenience and necessity.
4. Advice Letter No. 2 conforms to the requirements of Decision 90-03-080 and G.O. 159.
5. A DCS officer signed a declaration which states that DCS has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 2.
6. Advice Letter No. 2 lists the following entities which have jurisdiction over the proposed modification of the Banner Mountain cell site: the County of Nevada, the California Department of Forestry, the Aviation Administration, and the Federal Communications Commission.

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THEREFORE, IT IS ORDERED that:

- (1) DATA CELLULAR SYSTEMS's request for authority to modify the Banner Mountain cell site is granted.
- (2) The effective date of this resolution is January 6, 1991.

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STATE OF CALIFORNIA



By NEAL J. SHULMAN
Executive Director