

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications Branch

RESOLUTION T-14288
Date: January 4, 1991

R E S O L U T I O N

RESOLUTION T-14288. 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. 72, FILED ON December 4, 1990, BY SUPPLEMENTAL ADVICE LETTER NO. 72-A, FILED ON December 28, 1990, and BY SUPPLEMENTAL ADVICE LETTER NO. 72-B, FILED ON January 2, 1991.

SUMMARY

BAY AREA CELLULAR TELEPHONE COMPANY (BACTC), by Advice Letter No. 72, filed on December 4, 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. On December 28, 1990, BAY AREA CELLULAR TELEPHONE COMPANY filed Supplemental Advice Letter No. 72-A, in order to provide the Commission with information about local environmental review that was undertaken by the County of Alameda. On January 2, 1991, BAY AREA CELLULAR TELEPHONE COMPANY filed Supplemental Advice Letter No. 72-B to correct an error in Supplemental Advice Letter No. 72-A. This Resolution authorizes the construction of the new cell site, known as the San Leandro cell site, located at 50 East Lewelling Boulevard, San Lorenzo, California 94580, an unincorporated area of Alameda 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 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. 72, with Supplemental Advice Letter No. 72-A, and Supplemental Advice Letter No. 72-B, contain all information required under G.O. 159 to be included in an Advice Letter filing for authority to construct additional cellular facilities.

BACTC asserts that the following governmental entities comprise all governmental entities that have jurisdiction over the proposed construction (with the exception of the California Public Utilities Commission): the Federal Aviation Administration, the County of Alameda, and the Office of the State Architect. BACTC has obtained a permit from the Federal Aviation Administration, and a zoning change from the County of Alameda (via the County of Alameda Planning Commission and the Alameda County Board of Supervisors). The Structural Safety Section of the Office of the State Architect in San Francisco approved the building plans for the site on November 2, 1990. Such approval allows BACTC to begin construction on the proposed site. Commission staff have confirmed this information with the Structural Safety Section of the Office of the State Architect in both San Francisco and Sacramento on January 3, 1990. According to Pat Campbell, Chief of the Structural Safety Section for the Office of the State Architect in Sacramento, written approval of this project is expected to follow pending the resolution of certain fee payments to the Office of the State Architect.

The proposed construction will be located at 50 East Lewelling Boulevard, San Lorenzo, California 94580 and is known as the San Leandro cell site. It will consist of a 320 square foot premanufactured equipment shelter. The shelter will be placed in a footing type foundation that will be 16 inches below ground level and 8 inches above ground level.

The cell site will also have a 100-foot monopole placed in a foundation that is 30 feet deep, and 6 feet in diameter. It will be placed approximately 20 feet from the west side of the equipment shelter. Nine (9) cellular antennas will be mounted at the 100-foot level of the monopole. Power will be supplied from a PG&E pole mounted transformer and fed to the equipment shelter through approximately 80-feet of overhead conduit. The San Leandro cell 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. 72 requesting authority to construct the San Leandro cell site appeared in the California Public Utilities Commission's December 10, 1990 Daily Calendar. As of the Effective Date of this Resolution, Supplemental Advice Letter No. 72-A and Supplemental Advice Letter No. 72-B have not appeared in the Daily Calendar. The appearance of these supplemental advice letters in the Daily Calendar prior to the

issuance of this Resolution is not considered crucial to this advice letter proceeding because, neither of the supplemental filings changed the project as proposed.

The purpose of Supplemental Advice Letter No. 72-A was to provide the Commission with information about local environmental review that was undertaken by the County of Alameda as to the proposed San Leandro cell site located in an unincorporated area of the County of Alameda. The purpose of Supplemental Advice Letter No. 72-B was to correct an error in Supplemental Advice Letter No. 72-A. The project as proposed did not change as a result of either of these supplemental filings.

In addition, copies of BACTC's Advice Letter No. 72, Supplemental Advice Letter No. 72-A, Supplemental Advice Letter No. 72-B 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. 72.

FINDINGS

1. On December 4, 1990, BAY AREA CELLULAR TELEPHONE COMPANY filed Advice Letter No. 72 requesting Executive authorization to construct the San Leandro cell site located at 50 East Lewelling Boulevard, San Lorenzo, California 94580.
2. On December 28, 1990, BAY AREA CELLULAR TELEPHONE COMPANY filed Supplemental Advice Letter No. 72-A. The purpose of the supplemental filing was to provide the Commission with information about local environmental review that was undertaken by the County of Alameda as to the proposed San Leandro cell site located in an unincorporated area of Alameda County. This supplemental filing did not change the project as proposed.
3. On January 2, 1991, BAY AREA CELLULAR TELEPHONE COMPANY filed Supplemental Advice Letter No. 72-B. The purpose of Supplemental Advice Letter No. 72-B was to correct an error in Supplemental Advice Letter No. 72-A. This supplemental filing did not change the project as proposed.
4. The San Leandro cell site represents an additional cellular radiotelephone facility not described in Decision 86-05-010, granting BACTC a certificate of public convenience and necessity.

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5. 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.
6. Advice Letter No. 72 with Supplemental Advice Letter No. 72-A and Supplemental Advice Letter No. 72-B, conform to the requirements of Decision 90-03-080 and G.O. 159.
7. 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. 72, Supplemental Advice Letter No. 72-A, Supplemental Advice Letter No. 72-B, and oral confirmation with the Office of the State Architect further supports this declaration.
8. Advice Letter No. 72 and Supplemental Advice Letter No. 72-A list the following entities which have jurisdiction over the proposed construction of the San Leandro cell site: the Federal Aviation Administration, the Office of the State Architect, and the County of Alameda.

THEREFORE, IT IS ORDERED that:

- (1) BAY AREA CELLULAR TELEPHONE COMPANY's request for authority to construct the San Leandro cell site is granted.
- (2) The effective date of this resolution is January 4, 1991.

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA


By NEAL J. SHULMAN
Executive Director