

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION  
Telecommunications Branch

RESOLUTION T-14295  
Date: February 3, 1991

R E S O L U T I O N

RESOLUTION T-14295. REDDING CELLULAR PARTNERSHIP,  
EXECUTIVE ORDER AUTHORIZING THE ADDITION OF A NEW  
CELL SITE IN THE Redding Rural Statistical Area.

BY ADVICE LETTER NO. 12, FILED ON January 3, 1991,  
AND BY SUPPLEMENTAL ADVICE LETTER NO. 12-A, FILED ON  
January 15, 1991

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SUMMARY

REDDING CELLULAR PARTNERSHIP (RCP), by Advice Letter No. 12, filed on January 3, 1991, requests authority under the provisions of General Order 159 (G.O. 159) and Decision No. 90-03-080 (March 28, 1990) to begin preliminary construction of a new cellular radiotelephone cell site pending the issuance of approval by the Federal Aviation Administration (FAA) for the construction of a 290 foot tower. On January 15, 1991, RCP filed Supplemental Advice Letter No. 12-A to inform the Commission that RCP has decided, instead, to construct a 199 foot tower at the site, and requests that the Commission grant authority to construct the proposed cell site. This new cell site would add to its existing cellular system serving the Redding Rural Statistical Area. This Resolution authorizes the construction of the new cell site, known as the Orland cell site, located on the east side of Highway 99, approximately 3/4 mile south of Capay Road in Tehama County, California at longitude 122 degrees 11' 40" and latitude 39 degrees 50' 40". No protests to this Advice Letter have been received.

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. 12 contains all the information required under G.O. 159 to be included in an Advice Letter filing for authority to construct additional cellular facilities.

The new Orland cell site represents an additional cellular radiotelephone facility not described in Decision 89-03-056, granting RCP a certificate of public convenience and necessity.

RCP 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 County of Tehama.

No permit or approval from the Federal Aviation Administration was required in this case. It was not necessary to file a Notice of Proposed Construction or Alteration (FAA Form 7460-1) because the maximum effective tower height did not exceed 200 feet. This determination was confirmed in an Affidavit of John P. Allen, Airspace Consultant, retained by RCP to determine whether the proposed antenna system complied with Section 17.7(a) and (b)(1) of the FCC's Rules and its counterpart FAA Regulations found in Subpart B of Federal Aviation Regulation (FAR) Part 77, both of which set forth criteria under which notification to FAA of tower construction and marking and lighting of said structure is not required. The following is the professional opinion of John P. Allen with regard to the construction of the proposed tower:

"...[n]otice to FAA is not required. Marking and lighting of the proposed antenna tower would not be required. This opinion is based upon the facts that the proposed antenna tower height is underneath the specified height in Subpart B 77.13(a)(2)(1) and Section 17.7(b)(1) of the FCC Rules, and the requested height is not more than 200 feet [Above Ground Level] as per [Federal Aviation Regulation] Section 77.13(a)(1); [and] Section 17.7(a) of the FCC's Rules. The proposal as stated is within full compliance of FAR Part 77 criteria, and would not be a hazard to air navigation."

Originally, RCP requested, by Advice Letter No. 12, the authority to engage in preliminary construction at the Orland cell site. Such preliminary construction would include the construction of an equipment building, the equipment building foundation, and a tower foundation. Subsequent to this filing, RCP filed Supplemental Advice Letter No. 12-A to inform the Commission that RCP has decided to construct a tower with a maximum effective height of 199 feet instead of 290 feet, and to request that the Commission grant authority to construct the proposed cell site in the absence of FAA approval because it is not required for the 199 foot tower.

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The proposed construction will be located on the east side of Highway 99, approximately 3/4 mile south of Capay Road in Tehama County, California at longitude 122 degrees 11' 40" and latitude 39 degrees 50' 40" and is known as the Orland cell site. It will consist of a 199 foot guyed tower equipped with FAA lighting. Four microwave dishes will be mounted on the tower, along with twelve (12) cellular antennae. Radio transmitting and receiving equipment will be placed in a 12' x 28' x 10' concrete and steel modular building. A DC power plant will be used on site. The Orland cell site will become part of RCP's cellular system serving the Redding Rural Statistical Area.

#### NOTICE

Public notice that REDDING CELLULAR PARTNERSHIP filed Advice Letter No. 12 requesting authority to construct the Orland cell site appeared in the California Public Utilities Commission's January 4, 1991 Daily Calendar. Supplemental Advice Letter 12-A appeared in the Daily Calendar on January 18, 1991. In addition, copies of RCP's Advice Letter No. 12 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 received to RCP's Advice Letter No. 12.

#### FINDINGS

1. On January 3, 1991, REDDING CELLULAR PARTNERSHIP filed Advice Letter No. 12 requesting Executive authorization to begin preliminary construction of the Orland cell site pending the issuance of approval by the Federal Aviation Administration (FAA) for the construction of a 290 foot tower on site.
2. On January 15, 1991, REDDING CELLULAR PARTNERSHIP filed Supplemental Advice Letter No. 12-A to inform the Commission that REDDING CELLULAR PARTNERSHIP has decided, instead, to construct a 199 foot tower at the Orland cell site, and to request Executive authorization from the Commission to construct the Orland cell site as proposed.
3. REDDING CELLULAR PARTNERSHIP was not required to obtain a permit or approval from the Federal Aviation Administration because, the maximum effective tower height of the proposed Orland cell site tower does not exceed 200 feet.

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4. The proposed Orland cell site is located on the east side of Highway 99, approximately 3/4 mile south of Capay Road in Tehama County, California at longitude 122 degrees 11' 40" and latitude 39 degrees 50' 40".
5. The Orland cell site represents an additional cellular radiotelephone facility not described in Decision 89-03-056, granting RCP a certificate of public convenience and necessity.
6. 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.
7. Advice Letter No. 12 as amended by Supplemental Advice Letter No. 12-A conform to the requirements of Decision 90-03-080 and G.O. 159.
8. A RCP officer signed a declaration in Supplemental Advice Letter No. 12-A which states that RCP has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 12.
9. Advice Letter No. 12 lists the following entities which have jurisdiction over the proposed construction of the Orland cell site: the County of Tehama; the Federal Aviation Administration; and the Federal Communications Commission.

THEREFORE, IT IS ORDERED that:

- (1) REDDING CELLULAR PARTNERSHIP's Supplemental Advice Letter No. 12-A is hereby approved.
- (2) The effective date of this resolution is February 3, 1991.

PUBLIC UTILITIES COMMISSION  
STATE OF CALIFORNIA

  
By NEAL J. SHULMAN  
Executive Director