

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION RESOLUTION T-14314  
Telecommunications Branch Date: February 10, 1991

R E S O L U T I O N

RESOLUTION T-14314. 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. 75, FILED ON January 10, 1991.

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SUMMARY

Bay Area Cellular Telephone Company (BACTC), by Advice Letter No. 75, filed on January 10, 1991, 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 Fremont BART site, located at 37200 Post Street, Fremont, California 94536. 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 the decision granting its 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. 75 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 Fremont BART site represents an additional cellular radiotelephone facility not described in D.86-05-010, granting BACTC a certificate of public convenience and necessity.

BACTC has obtained permits or approvals from the following governmental entity and asserts that this entity is the only

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governmental entity that has jurisdiction over the proposed construction (with the exception of the California Public Utilities Commission); the City of Fremont. The proposed construction at the Fremont BART site is not tall enough to require approval from the Federal Aviation Administration.

The proposed construction will be located at 37200 Post Street, Fremont, California 94536 and is known as the Fremont BART site. It will consist of a 200 square foot equipment room placed in existing units of a mini-storage building. Six cellular antennas will be mounted at the top of a new 50 foot monopole tower.

The Fremont BART site will become part of BACTC's cellular system serving the San Francisco/San Jose Cellular Geographic Service Areas.

#### NOTICE

Public notice that Bay Area Cellular Telephone Company filed Advice Letter No. 75 requesting authority to construct the Fremont BART site appeared in the California Public Utilities Commission's January 16, 1991 Daily Calendar. In addition, copies of BACTC's Advice Letter No. 75 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. 75.

#### FINDINGS

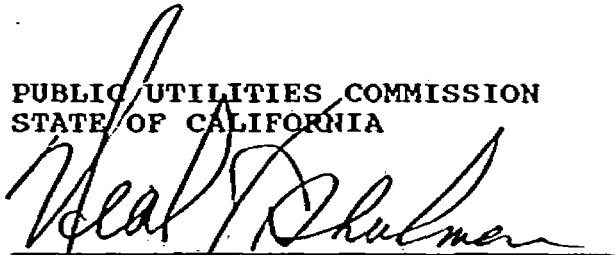
1. On January 10, 1991, Bay Area Cellular Telephone Company filed Advice Letter No. 75 requesting Executive authorization to construct the Fremont BART cell site located at 37200 Post Street, Fremont, California 94536.
2. The Fremont BART site represents an additional cellular radiotelephone facility 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. 75 conforms to the requirements of Decision 90-03-080 and G.O. 159.

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. 75.
6. Advice Letter No. 75 lists the following entity as having jurisdiction over the proposed construction of the Fremont BART cell site: the City of Fremont.
7. Advice Letter No. 75 states that the City of Fremont is the sole governmental entity that has jurisdiction over the proposed construction of the Fremont BART cell site.

THEREFORE, IT IS ORDERED that:

- (1) Bay Area Cellular Telephone Company's request for authority to construct the Fremont BART cell site is granted.
- (2) The effective date of this resolution is February 10, 1991.

PUBLIC UTILITIES COMMISSION  
STATE OF CALIFORNIA

  
By NEAL J. SHULMAN  
Executive Director