

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications Branch

RESOLUTION T-14477
Date: June 21, 1991

R E S O L U T I O N

RESOLUTION T-14477. GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP. EXECUTIVE ORDER AUTHORIZING THE ADDITION OF A CELL SITE IN THE SAN FRANCISCO BAY AREA

BY ADVICE LETTER NO. 79, FILED ON MAY 21, 1991.

SUMMARY

GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP (GTEM-CA Ltd.), by Advice Letter No. 79, filed on May 21, 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 Bay Area. This Resolution authorizes the construction of the cell site, known as the Almaden Hwy/Curtner site, located at 2170 Stone Avenue, Suite 15, San Jose, CA. 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 the decision granting the 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. 79 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 Almaden Hwy/Curtner site represents an additional cellular radiotelephone facility not described in D.84-06-010, granting GTEM-CA Ltd. a certificate of public convenience and necessity.

GTEM-CA Ltd. has obtained permits or approvals from the following governmental entities and asserts that these entities are the sole governmental entities with jurisdiction over the proposed construction (with the exception of the California Public Utilities Commission): The City of San Jose, the Federal Aviation Administration, and the Federal Communications Commission.

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The proposed construction will be located at 2170 Stone Avenue, Suite 15, San Jose, CA and is known as the Almaden Hwy/Curtner site. It will consist of a 60' monopole antenna structure with associated cellular radio electrical equipment installed in the existing Bothwell Industrial Building.

Almaden Hwy/Curtner will become part of GTEM-CA Ltd.'s cellular system serving the San Francisco Bay Area.

NOTICE

Public notice that GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP filed Advice Letter No. 79 requesting authority to construct the Almaden Hwy/Curtner site appeared in the California Public Utilities Commission's May 24, 1991 Daily Calendar. In addition, copies of GTEM-CA Ltd.'s Advice Letter No. 79 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 GTEM-CA Ltd.'s Advice Letter No. 79.

FINDINGS

1. On May 21, 1991, GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP filed Advice Letter No. 79 requesting Executive authorization to construct the Almaden Hwy/Curtner site located at 2170 Stone Avenue, Suite 15, San Jose, CA.
2. The Almaden Hwy/Curtner site represents an additional cellular radiotelephone facility not described in D.84-06-010, granting GTEM-CA Ltd. 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. 79 conforms to the requirements of Decision 90-03-080 and G.O. 159.
5. A GTEM-CA Ltd. officer signed a declaration which states that GTEM-CA Ltd. has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 79.

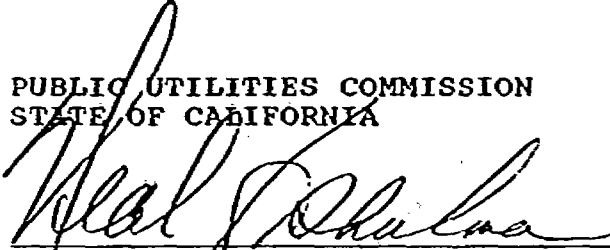
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6. Advice Letter No. 79 lists the following entities with jurisdiction over the proposed construction of the Almaden Hwy/Curtner site: The City of San Jose, the Federal Aviation Administration, and the Federal Communications Commission.
7. No protests to Advice Letter No. 79 have been received.

THEREFORE, IT IS ORDERED that:

- (1) GTE MOBILNET OF CALIFORNIA LIMITED PARTNERSHIP's Advice Letter No. 79 is hereby approved.
- (2) The effective date of this resolution is June 21, 1991.

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA


By NEAL J. SHULMAN
Executive Director