

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications Branch

RESOLUTION T-14560
Date: August 15, 1991

R E S O L U T I O N

RESOLUTION T-14560. BAY AREA CELLULAR TELEPHONE COMPANY. EXECUTIVE ORDER AUTHORIZING THE ADDITION OF A CELL SITE IN THE SAN FRANCISCO/SAN JOSE CELLULAR GEOGRAPHIC SERVICE AREAS.

BY ADVICE LETTER NO. 97, FILED ON JULY 15, 1991.

SUMMARY

BAY AREA CELLULAR TELEPHONE COMPANY (BACTC), by Advice Letter No. 97, filed on July 15, 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 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 cell site, known as the Milpitas II site, located at 48989 Milmont Drive, Fremont, California 94538. 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. 97 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 Milpitas II site represents an additional cellular radiotelephone facility not described in D.86-05-010, granting BACTC a certificate of public convenience and necessity.

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BACTC 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); Federal Communications Commission, Federal Aviation Administration, and the City of Fremont.

The proposed construction will be located at 48989 Milmont Drive, Fremont, California and is known as the Milpitas II site. It will consist of nine cellular antennas that will be mounted at the top of a 75-foot monopole. The rear portion of an existing industrial building will accommodate a 238 square foot equipment room.

The Milpitas II 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. 97 requesting authority to construct the Milpitas II site appeared in the California Public Utilities Commission's July 15, 1991 Daily Calendar. In addition, copies of BACTC's Advice Letter No. 97 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 BACTC's Advice Letter No. 97.

FINDINGS

1. On July 15, 1991, BAY AREA CELLULAR TELEPHONE COMPANY filed Advice Letter No. 97 requesting Executive authorization to construct the Milpitas II site located at 48989 Milmont Drive, Fremont, California.
2. The the Milpitas II site represents an additional cellular radiotelephone facility not described in 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.

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4. Advice Letter No. 97 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. 97.
6. Advice Letter No. 97 lists the following entities which have jurisdiction over the proposed construction of the the Milpitas II site: Federal Communications Commission, Federal Aviation Administration, and the City of Fremont.
7. No protests to Advice Letter No. 97 have been received.

THEREFORE, IT IS ORDERED that:

- (1) BAY AREA CELLULAR TELEPHONE COMPANY's Advice Letter No. 97 is hereby approved.
- (2) The effective date of this resolution is August 15, 1991.

PUBLIC UTILITIES COMMISSION
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By NEAL J. SHULMAN
Executive Director