

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications Branch

RESOLUTION T-14572
Date: August 26, 1991

R E S O L U T I O N

RESOLUTION T-14572. FRESNO CELLULAR TELEPHONE COMPANY,
EXECUTIVE ORDER AUTHORIZING THE ADDITION OF A CELL SITE
IN THE FRESNO METROPOLITAN STATISTICAL AREA.

BY ADVICE LETTER NO. 38, FILED ON July 25, 1991.

SUMMARY

FRESNO CELLULAR TELEPHONE COMPANY (FCTC), by Advice Letter No. 38, filed on July 25, 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 Fresno Metropolitan Statistical Area. This Resolution authorizes the construction of the cell site, known as the Black Mountain site, located at the California Department of Forestry communication facility on Black Mountain in Fresno County. 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. 38 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 Black Mountain site represents an additional cellular radiotelephone facility not described in D.87-10-036, granting FCTC a certificate of public convenience and necessity.

FCTC has obtained permits or approvals from the following governmental entities and asserts that these entities comprise

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all governmental entities that have jurisdiction over the proposed construction (with the exception of the California Public Utilities Commission); the California Department of Forestry and Fire Protection, the County of Fresno, the Federal Aviation Administration, and the Federal Communications Commission.

The proposed construction will be located at the California Department of Forestry communication facility on Black Mountain in Fresno County and is known as the Black Mountain site. It will consist of a 50' foot monopole, 2 cellular antennas, and radio equipment placed in a radio vault 42"(H) x 24"(W) x 24"(D).

The Black Mountain site will become part of FCTC's cellular system serving the Fresno Metropolitan Statistical Area.

NOTICE

Public notice that FRESNO CELLULAR TELEPHONE COMPANY filed Advice Letter No. 38 requesting authority to construct the Black Mountain site appeared in the California Public Utilities Commission's July 29, 1991 Daily Calendar. In addition, copies of FCTC's Advice Letter No. 38 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 FCTC's Advice Letter No. 38.

FINDINGS

1. On July 25, 1991, FRESNO CELLULAR TELEPHONE COMPANY filed Advice Letter No. 38 requesting Executive authorization to construct the Black Mountain site located at the California Department of Forestry communication facility on Black Mountain in Fresno County.
2. The Black Mountain site represents an additional cellular radiotelephone facility not described in 87-10-036, granting FCTC 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.

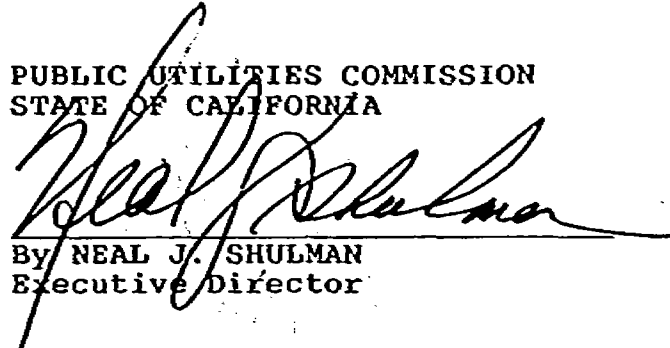
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4. Advice Letter No. 38 conforms to the requirements of Decision 90-03-080 and G.O. 159.
5. A FCTC officer signed a declaration which states that FCTC has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 38.
6. Advice Letter No. 38 lists the following entities which have jurisdiction over the proposed construction of the Black Mountain site: the California Department of Forestry and Fire Protection, the County of Fresno, the Federal Aviation Administration, and the Federal Communications Commission.
7. No protests to Advice Letter No. 38 have been received.

THEREFORE, IT IS ORDERED that:

- (1) FRESNO CELLULAR TELEPHONE COMPANY's Advice Letter No. 38 is hereby approved.
- (2) The effective date of this resolution is August 26, 1991.

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA



By NEAL J. SHULMAN
Executive Director