

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION  
Telecommunications Branch

RESOLUTION T-14641  
Date: October 17, 1991

R E S O L U T I O N

RESOLUTION T-14641. BAY AREA CELLULAR TELEPHONE COMPANY. EXECUTIVE ORDER AUTHORIZING THE ADDITION OF A CELL SITE IN THE SAN FRANCISCO/OAKLAND/SAN JOSE CELLULAR GEOGRAPHIC SERVICE AREA.

BY ADVICE LETTER NO. 105, FILED ON SEPTEMBER 17, 1991.

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SUMMARY

BAY AREA CELLULAR TELEPHONE COMPANY (BACTC), by Advice Letter No. 105, filed on September 17, 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/Oakland/San Jose Cellular Geographic Service Area. This Resolution authorizes the construction of the cell site, known as the West Oakland cell site, located at 114 Brush Street, Oakland, California 94607. 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. 105 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 West Oakland cell site represents an additional cellular radiotelephone facility not described in Decision 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); the Federal Aviation Administration, the Federal Communications Commission, the Port of Oakland, and the City of Oakland.

The proposed construction will be located at 114 Brush Street, Oakland, California 94607 and is known as the West Oakland cell site. It will consist of nine cellular antennas mounted approximately 60-feet above ground level on an existing 150-foot U.S. Sprint Tower. In addition, BACTC will install an approximately 320 square foot premanufactured equipment shelter at the proposed site. The shelter will have a footing type foundation which will extend approximately 16 inches below ground and 8 inches above ground level. Power will be supplied to the shelter from a customer-owned service pole through approximately 20-feet of overhead cable.

The West Oakland cell site will become part of BACTC's cellular system serving the San Francisco/Oakland/San Jose Cellular Geographic Service Area.

#### NOTICE

Public notice that BAY AREA CELLULAR TELEPHONE COMPANY filed Advice Letter No. 105 requesting authority to construct the West Oakland cell site appeared in the California Public Utilities Commission's September 23, 1991 Daily Calendar. In addition, copies of BACTC's Advice Letter No. 105 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. 105.

#### FINDINGS

1. On September 17, 1991, BAY AREA CELLULAR TELEPHONE COMPANY filed Advice Letter No. 105 requesting Executive authorization to construct West Oakland cell site located at 114 Brush Street, Oakland, California 94607.
2. The West Oakland cell site represents an additional cellular radiotelephone facility not described in Decision 86-05-010, granting BACTC a certificate of public convenience and necessity.

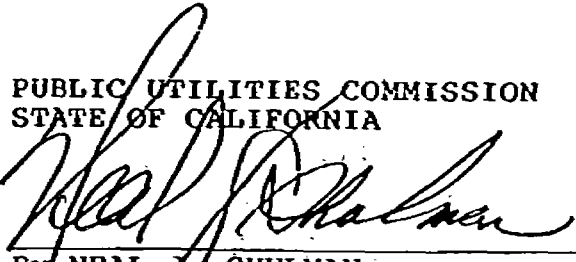
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3. Decision 90-03-080 adopts G.O. 159 which sets forth certain requirements for the filing of advice letters requesting authorization to construct cellular radiotelephone facilities not described in a utility's certificate of public convenience and necessity.
4. Advice Letter No. 105 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. 105.
6. Advice Letter No. 105 lists the following entities which have jurisdiction over the proposed construction of the West Oakland cell site: the Federal Aviation Administration, the Federal Communications Commission, the Port of Oakland, and the City of Oakland.
7. No protests to Advice Letter No. 105 have been received.

THEREFORE, IT IS ORDERED that:

- (1) BAY AREA CELLULAR TELEPHONE COMPANY's Advice Letter No. 105 is hereby approved.
- (2) The effective date of this resolution is October 17, 1991.

PUBLIC UTILITIES COMMISSION  
STATE OF CALIFORNIA

  
By NEAL J. SHULMAN  
Executive Director