

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications Branch

RESOLUTION T-14648
Date: October 25, 1991

R E S O L U T I O N

RESOLUTION T-14648. STOCKTON CELLULAR TELEPHONE COMPANY. EXECUTIVE ORDER AUTHORIZING THE ADDITION OF A CELL SITE IN THE STOCKTON METROPOLITAN STATISTICAL AREA.

BY ADVICE LETTER NO. 47, FILED ON SEPTEMBER 25, 1991.

SUMMARY

STOCKTON CELLULAR TELEPHONE COMPANY (SKCTC), by Advice Letter No. 47, filed on September 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 Stockton Metropolitan Statistical Area. This Resolution authorizes the construction of the cell site, known as the Downtown Modesto site, located at the City of Modesto owned site at the intersection of 10th and D Street in Modesto. 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. 47 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 Downtown Modesto site represents an additional cellular radiotelephone facility not described in Decision 87-11-061, granting SKCTC a certificate of public convenience and necessity.

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SKCTC 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, and the City of Modesto.

The proposed construction will be located at the City of Modesto owned site at the intersection of 10th and D Street in Modesto and is known as the Downtown Modesto site. It will consist of 12 cellular antennas side mounted on an existing water tank, a DC power plant, communication equipment, and a 12' by 28' modular building.

The Downtown Modesto site will become part of SKCTC's cellular system serving the Stockton Metropolitan Statistical Area.

NOTICE

Public notice that STOCKTON CELLULAR TELEPHONE COMPANY filed Advice Letter No. 47 requesting authority to construct the Downtown Modesto site appeared in the California Public Utilities Commission's September 26, 1991 Daily Calendar. In addition, copies of SKCTC's Advice Letter No. 47 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 SKCTC's Advice Letter No. 47.

FINDINGS

1. On September 25, 1991, STOCKTON CELLULAR TELEPHONE COMPANY filed Advice Letter No. 47 requesting Executive authorization to construct Downtown Modesto site located at the City of Modesto owned site at the intersection of 10th and D Street in Modesto.
2. The Downtown Modesto site represents an additional cellular radiotelephone facility not described in Decision 87-11-061, granting SKCTC a certificate of public convenience and necessity.

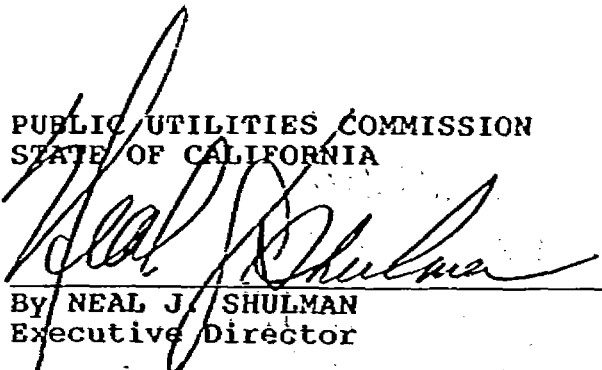
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3. Decision 90-03-080 adopts G.O. 159 which sets forth certain requirements for the filing of advice letters requesting authorization to construct cellular radiotelephone facilities not described in a utility's certificate of public convenience and necessity.
4. Advice Letter No. 47 conforms to the requirements of Decision 90-03-080 and G.O. 159.
5. A SKCTC officer signed a declaration which states that SKCTC has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 47.
6. Advice Letter No. 47 lists the following entities which have jurisdiction over the proposed construction of the Downtown Modesto site: the Federal Aviation Administration, the Federal Communications Commission, and the City of Modesto.
7. No protests to Advice Letter No. 47 have been received.

THEREFORE, IT IS ORDERED that:

- (1) STOCKTON CELLULAR TELEPHONE COMPANY's Advice Letter No. 47 is hereby approved.
- (2) The effective date of this resolution is October 25, 1991.

PUBLIC UTILITIES COMMISSION
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By NEAL J. SHULMAN
Executive Director