

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications Branch

RESOLUTION T-14731
Date: December 9, 1991

R E S O L U T I O N

RESOLUTION T-14731. 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. 119, FILED ON NOVEMBER 7, 1991.

SUMMARY

BAY AREA CELLULAR TELEPHONE COMPANY (BACTC), by Advice Letter No. 119, filed on November 7, 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 North Cupertino site, located at 3560 Flora Vista Avenue, Unit 300, Santa Clara, California 95051. 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. 119 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 North Cupertino 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, and the City of Santa Clara.

The proposed construction will be located at 3560 Flora Vista Avenue, Unit 300, Santa Clara, California 95051 and is known as the North Cupertino site. It will consist of an approximately 152 square feet equipment room on the third floor of an existing building, along with nine cellular antennas mounted on poles on the roof of the building. One sector of three antennas will extend six feet above the roof of the building; a second sector of three antennas will extend four feet above the roof of the building; both of these sectors of antennas will be mounted on the west side of the building. A third sector of three antennas will be mounted at roof level on the south side of the building. Power will be supplied to the equipment room from an existing electrical closet located on the first floor of the building through approximately 70 feet of overhead cable.

The North Cupertino 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. 119 requesting authority to construct the North Cupertino site appeared in the California Public Utilities Commission's November 12, 1991 Daily Calendar. In addition, copies of BACTC's Advice Letter No. 119 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. 119.

FINDINGS

1. On November 7, 1991, BAY AREA CELLULAR TELEPHONE COMPANY filed Advice Letter No. 119 requesting Executive authorization to construct North Cupertino site located at 3560 Flora Vista Avenue, Unit 300, Santa Clara, California 95051.

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2. The North Cupertino site represents an additional cellular radiotelephone facility not described in Decision 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.
4. Advice Letter No. 119 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. 119.
6. Advice Letter No. 119 lists the following entities which have jurisdiction over the proposed construction of the North Cupertino site: the Federal Aviation Administration, the Federal Communications Commission, and the City of Santa Clara.
7. No protests to Advice Letter No. 119 have been received.

THEREFORE, IT IS ORDERED that:

- (1) BAY AREA CELLULAR TELEPHONE COMPANY's Advice Letter No. 119 is hereby approved.
- (2) The effective date of this resolution is December 9, 1991.

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA


BY NEAL J. SHULMAN
Executive Director