

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications Branch

RESOLUTION T-14735
Date: December 9, 1991

R E S O L U T I O N

RESOLUTION T-14735. PACTEL CELLULAR. EXECUTIVE ORDER
AUTHORIZING THE ADDITION OF A CELL SITE IN THE SAN DIEGO
METROPOLITAN AREA.

BY ADVICE LETTER NO. 77, FILED ON NOVEMBER 7, 1991.

SUMMARY

PACTEL CELLULAR (PTC), by Advice Letter No. 77, 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 Diego Metropolitan Area. This Resolution authorizes the construction of the cell site, known as the Batiquitos Lagoon site, located at 7130 Avenida Encinas, Carlsbad, CA. 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. 77 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 Batiquitos Lagoon site represents an additional cellular radiotelephone facility not described in Decision 85-04-023, granting PTC a certificate of public convenience and necessity.

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PTC 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 Aviation Administration, Federal Communications Commission, City of Carlsbad.

The proposed construction will be located at 7130 Avenida Encinas, Carlsbad, CA and is known as the Batiquitos Lagoon site. It will consist of a 288 sq. ft. cellular radiotelephone facility installed within an existing building. Ten cellular antennas will be mounted within the walls of an existing bell tower.

The Batiquitos Lagoon site will become part of PTC's cellular system serving the San Diego Metropolitan Area.

NOTICE

Public notice that PACTEL CELLULAR filed Advice Letter No. 77 requesting authority to construct the Batiquitos Lagoon site appeared in the California Public Utilities Commission's November 13, 1991 Daily Calendar. In addition, copies of PTC's Advice Letter No. 77 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 PTC's Advice Letter No. 77.

FINDINGS

1. On November 7, 1991, PACTEL CELLULAR filed Advice Letter No. 77 requesting Executive authorization to construct Batiquitos Lagoon site located at 7130 Avenida Encinas, Carlsbad, CA.
2. The Batiquitos Lagoon site represents an additional cellular radiotelephone facility not described in Decision 85-04-023, granting PTC 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.

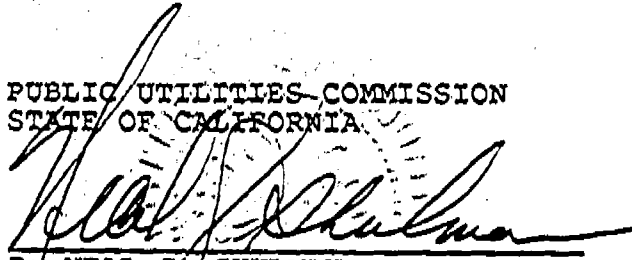
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4. Advice Letter No. 77 conforms to the requirements of Decision 90-03-080 and G.O. 159.
5. A PTC officer signed a declaration which states that PTC has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 77.
6. Advice Letter No. 77 lists the following entities which have jurisdiction over the proposed construction of the Batiquitos Lagoon site: Federal Aviation Administration, Federal Communications Commission, City of Carlsbad.
7. No protests to Advice Letter No. 77 have been received.

THEREFORE, IT IS ORDERED that:

- (1) PACTEL CELLULAR's Advice Letter No. 77 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