

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications Branch

RESOLUTION T-14736
Date: December 9, 1991

R E S O L U T I O N

RESOLUTION T-14736. 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. 120, FILED ON NOVEMBER 8, 1991.

SUMMARY

BAY AREA CELLULAR TELEPHONE COMPANY (BACTC), by Advice Letter No. 120, filed on November 8, 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 East Walnut Creek site, located at 27 Paseo Cima, Walnut Creek, California 94598. 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. 120 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 East Walnut Creek site represents an additional cellular radiotelephone facility not described in Decision 86-05-010, granting BACTC a certificate of public convenience and necessity.

Resolution T-14736
Effective December 9, 1991
BACTC/A.L. No. 119/WSM

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 Walnut Creek.

The proposed construction will be located at 27 Paseo Cima, Walnut Creek, California 94598 and is known as the East Walnut Creek site. It will consist of an approximately 200 square foot custom wooden equipment shelter, and six cellular antennas will be mounted on six-foot high steel support poles. The poles will be placed at six-foot intervals approximately one-foot from an existing water tank located on the southern side of the site.

The East Walnut Creek 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. 120 requesting authority to construct the East Walnut Creek site appeared in the California Public Utilities Commission's November 13, 1991 Daily Calendar. In addition, copies of BACTC's Advice Letter No. 120 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. 120.

FINDINGS

1. On November 8, 1991, BAY AREA CELLULAR TELEPHONE COMPANY filed Advice Letter No. 120 requesting Executive authorization to construct East Walnut Creek site located at 27 Paseo Cima, Walnut Creek, California 94598.
2. The East Walnut Creek site represents an additional cellular radiotelephone facility not described in Decision 86-05-010, granting BACTC a certificate of public convenience and necessity.

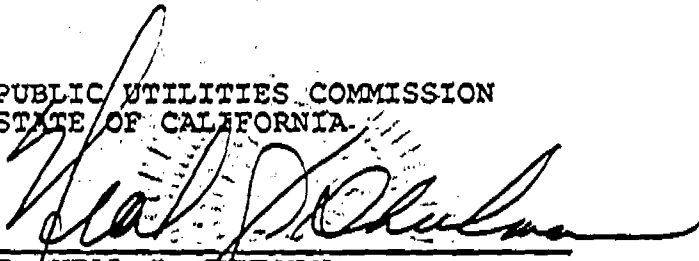
Resolution T-14736
Effective December 9, 1991
BACTC/A.L. No. 119/WSM

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. 120 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. 120.
6. Advice Letter No. 120 lists the following entities which have jurisdiction over the proposed construction of the East Walnut Creek site: the Federal Aviation Administration, the Federal Communications Commission, and the City of Walnut Creek.
7. No protests to Advice Letter No. 120 have been received.

THEREFORE, IT IS ORDERED that:

- (1) BAY AREA CELLULAR TELEPHONE COMPANY's Advice Letter No. 120 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