

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications Branch

RESOLUTION T-14762
Date: December 26, 1991

R E S O L U T I O N

RESOLUTION T-14762. 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. 125, FILED ON NOVEMBER 25, 1991.

SUMMARY

BAY AREA CELLULAR TELEPHONE COMPANY (BACTC), by Advice Letter No. 125, filed on November 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 San Francisco/Oakland/San Jose Cellular Geographic Service Area. This Resolution authorizes the construction of the cell site, known as the South San Jose site, located at 9770 Monterey Highway, San Jose, California. 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. 125 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 South San Jose 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-14762
Effective December 26, 1991
BACTC/A.L. No. 125/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 San Jose.

The proposed construction will be located at 9770 Monterey Highway, San Jose, California and is known as the South San Jose site. It will consist of three omni cellular antennas will be mounted at the top of a 100-foot monopole. The monopole will have a foundation measuring twenty-six feet deep and six feet wide. BACTC will place an approximately 210 square foot premanufactured equipment shelter approximately six feet from the monopole. Power will be supplied from an existing PG&E power pole and fed to the equipment room through approximately 135 feet of underground cable.

The South San Jose 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. 125 requesting authority to construct the South San Jose site appeared in the California Public Utilities Commission's December 4, 1991 Daily Calendar. In addition, copies of BACTC's Advice Letter No. 125 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. 125.

FINDINGS

1. On November 25, 1991, BAY AREA CELLULAR TELEPHONE COMPANY filed Advice Letter No. 125 requesting Executive authorization to construct South San Jose site located at 9770 Monterey Highway, San Jose, California.
2. The South San Jose site represents an additional cellular radiotelephone facility not described in Decision 86-05-010, granting BACTC a certificate of public convenience and necessity.

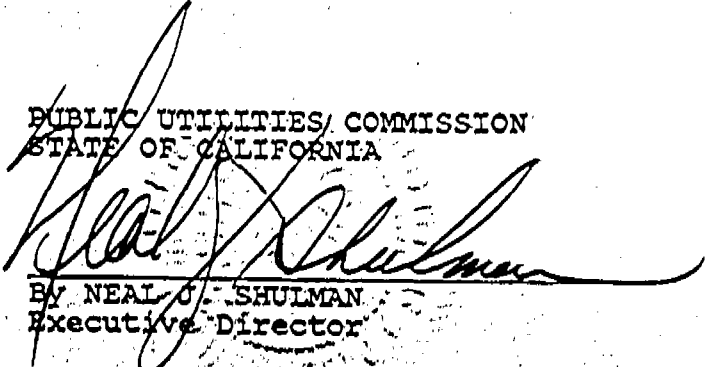
Resolution T-14762
Effective December 26, 1991
BACTC/A.L. No. 125/WSM

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. 125 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. 125.
6. Advice Letter No. 125 lists the following entities which have jurisdiction over the proposed construction of the South San Jose site: the Federal Aviation Administration, the Federal Communications Commission, and the City of San Jose.
7. No protests to Advice Letter No. 125 have been received.

THEREFORE, IT IS ORDERED that:

- (1) BAY AREA CELLULAR TELEPHONE COMPANY's Advice Letter No. 125 is hereby approved.
- (2) The effective date of this resolution is December 26, 1991.

PUBLIC UTILITIES COMMISSION
STATE OF CALIFORNIA


By NEAL J. SHULMAN
Executive Director