

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

Commission Advisory and
Compliance DivisionRESOLUTION: T-15076
Date: September 16, 1992

R E S O L U T I O N

RESOLUTION T-15076. NOTICE OF COMMISSION INTENT TO REJECT ADVICE LETTERS FILED BY CELLULAR TELEPHONE UTILITIES FOR FAILURE TO SATISFY PROVISIONS OF COMMISSION GENERAL ORDER 159.

BACKGROUND

Under General Order 159 (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. G.O. 159 provides requirements which a cellular utility must meet in order for the Commission to approve construction of additional facilities. 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. Other requirements for advice letter filings are listed below.

DISCUSSION

The Commission finds that each of the applicants on the attached schedule has failed to meet one or more of the G.O. 159 requirements listed below. This resolution notifies the applicants of the Commission's intent to reject the indicated advice letters if the following requirements are not met within 30 days of this resolution.

1. Receipt of all permits and approvals for the proposed construction required by any governmental agency which has jurisdiction over the proposed construction;
2. Compliance with notice requirements of General Order 159, Section V.B;
3. Filing the advice letter before commencing construction;
4. For construction commenced after the advice letter was filed but before the Commission approved the advice letter: A letter of undertaking signed by an officer of the utility guaranteeing removal of the facilities and restoration of the construction site to its original status if the advice letter is rejected;

5. A description of the proposed construction, including the equipment to be installed; the tower design, appearance and height; the building sizes; and the lot location;
6. A street map showing the proposed location of the construction and the relationship of the proposed location to residential or scenic areas within 1,000 feet of the proposed location;
7. Tariff sheets reflecting the addition or relocation, if any, of transmitting facilities and the changes, if any, to a utility's service area map;
8. A copy of the notice of the advice letter to be provided in accordance with General Order 159;
9. An explanation of the Standard Review Procedure, including the grounds for protesting an advice letter filed under this procedure and the date the protest period expires;
10. A list of all governmental agencies (with the exception of the Commission) which would have jurisdiction over the proposed construction or would have jurisdiction over the proposed construction absent Commission preemption; and
11. A declaration, signed by an officer of the utility, attesting either that:
 - (1) with respect to each agency listed in subsection 6 above, all necessary permits or approvals have been obtained; or
 - (2) none are required from that agency and the proposed construction is minor in nature. All such declarations must state the bases for the utility's conclusion with particularity and be signed under penalty of perjury.

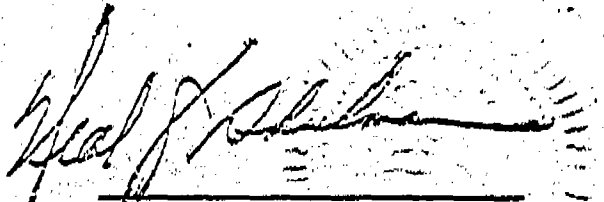
This finding of deficiency does not preclude the possibility that the Commission may find further deficiencies with these advice letters.

THEREFORE, IT IS ORDERED THAT:

The advice letters covered by this resolution will be subject to revocation if the requirements discussed herein are not met within thirty days.

This resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on September 16, 1992. The following Commissioners approved it:



NEAL J. SHULMAN
Executive Director

DANIEL Wm. FESSLER
President
JOHN B. OHANIAN
PATRICIA M. ECKERT
NORMAN D. SHUMWAY
Commissioners

Commission Advisory and Compliance Division
Telecommunications Branch

SCHEDULE OF ACTIONS REGARDING ADVICE LETTERS
UNDER RESOLUTION T-15076

Advice Letter Number	Filing Date	Utility Name	Reason for Denial Site Resolution Paragraph #
9	06/03/92	Century El Centro Cellular Corp.	Cook Street El Centro 3
18 18A	12/05/91 12/10/91	Mountain Cellular	El Dorado National Forest, Echo Summit 1, 3, 10
162 162A	07/02/92 07/29/92	Bay Area Cellular Telephone Company	951 Howard St., SF 1
166	07/24/92	Bay Area Cellular Telephone Company	1850 Muir Road Martinez 1, 3