

PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

COMMISSION ADVISORY AND COMPLIANCE DIVISION
Telecommunications BranchRESOLUTION T-15082
Date: September 2, 1992

R E S O L U T I O N

RESOLUTION T-15082. LOS ANGELES SMSA LIMITED PARTNERSHIP. REQUEST TO ADD TWELVE MICROCELL SITES IN THE LOS ANGELES CELLULAR GEOGRAPHIC SERVICE AREA.

BY ADVICE LETTER NO. 135, FILED ON MAY 15, 1992.

SUMMARY

LOS ANGELES SMSA LIMITED PARTNERSHIP (LASLP), by Advice Letter No. 135, filed on May 15, 1992, requests authority under the provisions of General Order 159 (G.O. 159) and Decision No. 90-03-080 (March 28, 1990) to add twelve micro cellular radiotelephone cell sites to its existing cellular system serving the Los Angeles Cellular Geographic Service Area. This Resolution authorizes the construction of the cell sites, known as the Malibu Microcell sites, located at 34750 1/2, 32631 1/2, 31577 1/2, 29450 1/2, 28390 1/2, 26920 1/2, 22856 1/2, 21750 1/2, and 2000 1/2 Pacific Coast Highway, 5718 Latigo Canyon Road, and 3700 1/2 and 3250 1/2 Coral Canyon Road. The Commission received a protest to LASLP's Advice Letter 135. The protest did not provide substantive reasons to reject Advice Letter 135.

BACKGROUND

Under G.O. 159, 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.

NOTICE

Public notice that Los Angeles SMSA Limited Partnership filed Advice Letter No. 135 requesting authority to construct the Malibu Microcell sites appeared in the California Public Utilities Commission's May 20, 1992, Daily Calendar. In addition, copies of LASLP's Advice Letter No. 135 were mailed in accordance with the Commission's General Order No. 96-A, Section III. G, to competing and adjacent cellular companies and other interested parties having requested such notification.

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PROTESTS

The Commission received one protest to Advice Letter 135 dated June 3, 1992. The protest was received from Mr. Christopher Hudson, a local resident in the Malibu area. LASLP filed a response to the protest on June 18, 1992. The response adequately addressed the protest.

The grounds for Mr. Hudson's protest are as follows. One, he states that a road bordered by a wilderness preservation and a state park is an inappropriate site for cellular antennas. Secondly, he states there is no need to facilitate cellular telephone transmission in a rural preservation area. Finally, the protest states that the public notices were illegible and therefore the residents were not adequately informed of the proposed siting.

In its response, LASLP states that it is appropriate to site microcells in the Malibu area. The City of Malibu not only approved the request but also requested three additional sites. LASLP also states that there is a reason to provide cellular service in the Corral Canyon area, namely that it is in the public interest for individuals to have access to mobile telephone services in the event of an emergency. Finally, LASLP states that the notices were posted behind plexiglass to ensure that each notice would be legible and not easily removed.

Review of the protest and LASLP's response shows that none of the grounds for the protest raised substantive reasons to reject Advice Letter 135. Accordingly, there are no outstanding reasons to depart from the procedure established by G.O. 159.

DISCUSSION

Advice Letter No. 135 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 Malibu Microcell sites represent additional cellular radiotelephone facilities not described in Decision 84-04-014, granting LASLP a certificate of public convenience and necessity.

LASLP 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 City of Malibu, the Federal Aviation Administration, and the Federal Communications Commission.

The proposed construction will be located at 34750 1/2, 32631 1/2, 31577 1/2, 29450 1/2, 28390 1/2, 26920 1/2, 22856 1/2, 21750 1/2, and 2000 1/2 Pacific Coast Highway, 5718 Latigo Canyon Road, and 3700 1/2 and 3250 1/2 Coral Canyon Road, and

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are known as the Malibu Microcell sites. Each of the Malibu Microcell sites will consist of two antennas and an equipment shelter container attached to existing wood utility poles.

The Malibu Microcell sites will become part of LASLP's cellular system serving the Los Angeles Cellular Geographic Service Area.

FINDINGS

1. On May 15, 1992, LOS ANGELES SMSA LIMITED PARTNERSHIP filed Advice Letter No. 135 requesting Executive authorization to construct the Malibu Microcell sites located at 34750 1/2, 32631 1/2, 31577 1/2, 29450 1/2, 28390 1/2, 26920 1/2, 22856 1/2, 21750 1/2, and 2000 1/2 Pacific Coast Highway, 5718 Latigo Canyon Road, and 3700 1/2 and 3250 1/2 Coral Canyon Road respectively.
2. The Malibu Microcell sites represent additional cellular radiotelephone facilities not described in Decision 84-04-014, granting LASLP 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. 135 conforms to the requirements of Decision 90-03-080 and G.O. 159.
5. A LASLP officer signed a declaration which states that LASLP has received all necessary permits or approvals from the governmental entities listed in Advice Letter No. 135.
6. Advice Letter No. 135 lists the following entities which have jurisdiction over the proposed construction of the Malibu Microcell sites: the City of Malibu, the Federal Aviation Administration, and the Federal Communications Commission.
7. The Commission received a protest to Advice Letter 135. The grounds for the protest raised do not provide substantive reasons to reject Advice Letter 135 and therefore present no grounds for sustaining a protest.

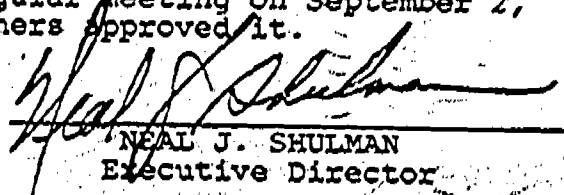
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THEREFORE, IT IS ORDERED that:

1. LOS ANGELES SMSA LIMITED PARTNERSHIP's Advice Letter No. 135 is hereby approved.

This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on September 2, 1992. The following Commissioners approved it.


NEAL J. SHULMAN
Executive Director

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

Commissioner Patricia M. Eckert,
being necessarily absent, did not
participate.