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**PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

**Telecommunications Division  
Carrier Branch**

**RESOLUTION T-17059  
September 7, 2006**

**R E S O L U T I O N**

Resolution T-17059. NextG Networks Inc. (U-6745-C) Seeks Authority To Deviate From The Provisions Of Public Utilities Code Section 320. Next G Seeks Authority To Apply An Aerial Fiber Optic Strand and Related Facilities To An Existing Pole Line and To Locate A Wireless Communications Facility Along Highway 50 - El Dorado County, California.

By Advice Letter No. 13, Filed June 15, 2006

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**Summary**

NextG requests a deviation from Public Utilities (P.U.) Code Section 320 to install fiber optic cable and related facilities (antennae and nodes) and to install its wireless communications facility within 1,000 feet of Highway 50, a scenic highway located in El Dorado County, California. The installation of the aerial strand and wireless facility falls under P.U. Code Section 320, which requires that all future communications facilities within 1,000 feet of a scenic highway be undergrounded. The wireless facility contains antennae which cannot function underground. Commission Decision 80864, dated December 16, 1972, implemented P.U. Code Section 320.

Having wireless coverage available provides a benefit to the public, both for general usage and for emergency. Therefore, NextG is granted authority to apply the aerial strand and to install its wireless facility within 1,000 feet of Highway 50.

**Background**

NextG proposes to attach a fiber optic cable of less than 1" in diameter to the existing utility distribution poles located along Highway 50 between the communities of Kyburz and Strawberry in El Dorado County, CA. The starting point of the installation is approximately 3.57 miles west of Kyburz. The end point is approximately 7.6 miles east

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of Kyburz. The installation would include several aerial crossings of Highway 50, each of which will follow the existing pole lead.

NextG also proposes to install eleven antennae on nine poles owned by the Northern California Joint Pole Association (of which NextG is a member) and two street lights owned by the California Department of Transportation (Caltrans). The Highway 50 right-of-way is under the jurisdiction of Caltrans. NextG has applied for an encroachment permit for the installation. The utility easement is controlled by the U.S. Forest Service, which has approved NextG's use of the easement. No permits are required from El Dorado County.

NextG files this letter because P.U. Code Section 320 prohibits what appears to be the most cost efficient and best practice, which is to apply the aerial strand to existing pole lines and to locate the wireless facility aboveground along Highway 50.

### **Notice/Protests**

Notice of Advice Letter No. 13 was published in the Commission Daily Calendar of June 23, 2006. No protest to this Advice Letter has been received.

The Telecommunications Division's (TD's) draft resolution in this matter was noticed in the Commission's Daily Calendar on \_\_\_\_\_, in accordance with PU Code Section 311 (g) (1). The following questions or comments were received:

\_\_\_\_\_.

### **Discussion**

Presently there is a need for improved wireless coverage along Highway 50 near the City of Kyburz in El Dorado County, California. In order to assist wireless carriers in improving wireless coverage in this area, NextG requests Commission approval for a deviation from the undergrounding requirements of section 320 of the California Public Utilities Code to allow for the above-ground installation of fiber and related facilities within 1,000 feet of Highway 50, a designated scenic highway.

NextG estimates that it would cost approximately \$2,217,600 to install the fiber optic cable underground. NextG estimates that aerial installation will cost approximately \$370,000. In this regard, the underground to overhead cost ratio for the installation of fiber optic cable for this proposal is 5.994 to 1.

There is a benefit to the public for having access to wireless services, both for emergency and general usage. Since NextG will incur significant cost savings by

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applying the aerial strand to existing poles, and that wireless antennae by their very nature require a “line-of-sight” to function and cannot be undergrounded, TD finds reasonable NextG’s proposal to install the aerial strand and the wireless facility aboveground. Therefore, TD recommends that NextG’s request to deviate from P.U. Code Section 320 be approved.

TD concludes that the Advice Letter meets the requirements set forth in Commission Orders and in General Order (G.O.) 96-A, and recommends that the Commission approve this filing. Commission approval is based on the specifics of the Advice Letter and the associated contract, and does not establish a precedent for the contents of future filings or for Commission approval of similar requests.

Furthermore, NextG is expected to satisfy all requirements of the Commission’s G.O. 159-A regarding construction of its proposed wireless facility.

**Findings**

1. Having wireless coverage along Highway 50 between the communities of Kyburz and Strawberry in El Dorado County, California provides a benefit for the public for emergency and general usage.
2. NextG will incur significant cost savings by aerially attaching the fiber optic strand on the distribution poles, as opposed to undergrounding the fiber optics cable.
3. Wireless facility antennae by their very nature require a “line-of-sight” to function and thus cannot be undergrounded.
4. The deviation request from the undergrounding requirements of P.U. Code Section 320 is reasonable and should be approved.
5. NextG shall satisfy all requirements of the Commission’s G.O.159-A regarding construction of its wireless facility.

**THEREFORE, IT IS ORDERED that:**

1. NextG’s request to deviate from P.U. Code 320 to apply an aerial strand and to install its wireless facility within 1,000 feet of Highway 50, a scenic highway located in El Dorado, County, California, is reasonable and is herein adopted.

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This Resolution is effective today.

I hereby certify that this Resolution was adopted by the Public Utilities Commission at its regular meeting on September 7, 2006. The following Commissioners approved it:

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STEVE LARSON  
Executive Director