

Name of Cellular Company	1. Construction prior to CPUC authorization	2. Operation prior to CPUC authorization	3. Existing sites for which no advice letter had been filed prior to the issuance of the OII	4. Sites without a required permit or approval required by G.O. 159, at the time of advice letter filing	5. Sites in operation without one or more required permits or approvals	6. Sites for which conflicting or inaccurate information was given to one or more government agencies	7. Number of sites reviewed for this report.
Salinas Cellular Telephone Company - McCaw	4	2			4		4
Napa Cellular Telephone Company - McCaw	4	3			3		4
Ventura Cellular Telephone Company - McCaw	6	1			4	1	7
Cagal Cellular Communications Corporation - McCaw	2	2			1		2

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US West Cellular of California, Inc. (US West)	2			1	1	2	2
Mountain Cellular/Atlantic Cellular	1	1		1	1	1	1
Sacramento Cellular Telephone Company - McCaw	33	10			15	13	38
Bakersfield Cellular Telephone Company (BCTC)	4	1			2	3	5

Category:

1. This includes cellular sites for which modification began prior to the resolution authorizing construction or letter of undertaking was filed.
2. This includes sites which operated prior to the resolution authorizing the site.
3. This includes cellular sites that were in existence prior to the issuance of the OII on January 10, 1992, and which should have filed an advice letter, but did not as of the start of this investigation. It also includes sites with modifications requiring an advice letter filing (i.e. a new tower, building, or addition of antennas), but did not file. Finally, it includes sites which were claimed to be under construction at the time of the issuance of G.O. 159, and therefore exempt, but evidence indicates modification began after issuance of G.O. 159.
4. This includes sites that lacked, at the time of advice letter filing, any required permit or approval.
5. This includes sites that began operation without any required permit or approval. This includes, among other things, lack of final site inspection, Certificate of Occupancy, and FCC form 489 filing. This does not include operating without CPUC authorization.
6. This includes sites in which false, inaccurate, or conflicting information was given to one or more government agencies. This includes (1) filing advice letters for proposed construction on sites for which construction has already begun, (2) filing applications for local permits with inaccurate information (e.g. incorrect valuation), (3) filing Form 489 with the FCC for a site and not (a) beginning service within 90 days or (b) notify the FCC that the site had not gone into service, (4) erroneous or differing information regarding the location or description of a cellular site, and (5) erroneous information given in the Appendix filings of this investigation.
7. This indicates the number of sites reviewed for this report. Sites for which modification began after January 10, 1992 were addressed by this report. Appendix A filings for sites which were modified between January 28, 1990 and March 28, 1990 were not included in this report.

LOS ANGELES CELLULAR TELEPHONE COMPANY (LACTC)

LACTC has constructed at least 16 cellular sites on public school grounds. One site is on community college grounds. Six of these sites are within the scope of this OII because they were built after the effective date of G.O. 159, March 28, 1990. Two of these six sites filed information under Appendix B. LACTC had not obtained Office of State Architecture (OSA) or State Fire Marshal approval for any of these sites prior to the issuance of this investigation in January, 1992.

CACD requested evidence that OSA approval had been obtained for LACTC's Site Nos. 305 and 246, Advice Letter Nos. 161 and 164 respectively, in August of 1991. (These are the two Appendix B sites mentioned above.) LACTC'S attorney David Simpson advised CACD that the "required approvals" had been obtained, and that they would be forwarded as soon as he received copies from LACTC. Several verbal communications with different staff members assured CACD that OSA approval had been obtained for these two sites.

Some time later, on October 15, 1991 in a letter from Sara Siegler, LACTC said, "This letter confirms that L.A. Cellular Telephone Company will provide to the Commission permits for the above referenced [Nos. 161 and 164] Advice Letters. With regard to Advice Letter No. 164, LACTC is now researching how to obtain the OSA approval and conditional use permit that your office has requested." [emphasis added.] Failure to obtain OSA plan approval is a felony violation of the California Education Code unless the planned construction falls within the exemption described below. (Cal. Educ. Code Sec. 39154.)

On October 29, 1991, in a letter from Sara Siegler, LACTC said "Please note that Larson Engineering, the School District on-site inspector, has written to the OSA with regard to your request. Larson verifies that pursuant to Larson's and OSA's prior agreement, no OSA approval is required for this site. See attached October 15 letter." The attached October 15, 1991, letter specifically stated the conditions under which no OSA review was necessary. These conditions are:

- "1. The district school board must pass a resolution stating that the students and teachers, as such, will never be permitted to enter the building. The building must be posted per Section 4-310 of CCR, Title 24, part 1 of the California Code of Regulations and a copy of the resolution filed with OSA.
2. A fence with locked gate must enclose the non-classroom building such that the building in collapse condition (overturning, perpendicular to longitudinal axis only) will remain inside

the fence.

3. Cellular Monopole with antenna in a collapse condition would not be within fence perimeter and, therefore will need to be processed for approval through OSA." [emphasis added.]

The October 15, 1991, letter clearly stipulates that OSA approval is required in contradiction to Sara Siegler's claim. Furthermore, none of the conditions in item 1 had been met as of October 15, 1991.

On November 12, 1991, representatives from LACTC met with CACD. LACTC staff and their attorneys continued to assert that no OSA approval was necessary for these two sites. They specifically assured CACD that the fences for their sites were far enough away from the buildings and towers, so that even if the structures collapsed, they would not fall outside of the perimeter of the fences. CACD explained that staff had inspected these two sites, and that the fences were only a few feet from the building and towers, which could therefore lie outside the fence if they collapsed. CACDA explained that its interpretation of Title 24 was exactly as was stated in the October 15, 1991, letter from OSA. In a letter dated on November 13, 1991, David Simpson finally conceded: "...there is no explicit language stating that a structure must fall within the perimeter of its enclosure. However, that would appear to be a reasonable interpretation of the language."

In a letter dated December 17, 1991, David Simpson submitted information which indicated that LACTC was submitting OSA applications for all but one school site. (LACTC continues to assert that site No. 97 is exempt.) To date, no proof of OSA approval has been provided for shelters or monopoles for any of the six sites subject to this investigation.

In a more recent advice letter (A.L. No. 264), not subject to this investigation, LACTC continues its past conduct concerning OSA approval. CACDA includes this site for illustrative purposes only, as it shows the ongoing nature of LACTC'S course of conduct regarding the OSA. LACTC submitted a copy of an April 2, 1992, letter LACTC wrote to the Office of the State Architect. Roy Manilo of the OSA signed the letter LACTC had sent him, but only after changing the meaning to make it clear he was not "approving" an exemption. As modified, his signature indicates OSA merely "agrees" with LACTC's interpretation of Title 24, Part 1 CCR as requiring "that no pupils or teachers, as such will ever be permitted to use or enter the said building or be subjected to a hazard resulting from its collapse." A 60 foot tower adjacent to a playground cannot satisfy that condition unless the playground is separated by a fence at least 60 feet from the pole. This site's submitted plans do not meet that criteria. However, the

declaration of Michael McNelly (Executive Vice president of Engineering and Operations for LACTC) in support of this advice letter states, "The Office of State Architect and the State Fire Marshall reviewed the site plan for the proposed facilities on April 10, 1992, and agreed that the proposed facilities will not have to be plan checked by the OSA and State Fire Marshall's Office...." No evidence of this April 10, 1992, review was submitted to the CPUC.

#### LACTC APPENDIX B SITES

##### Advice Letter 161

Modification began May 8, 1991, and service began on June 30, 1991. An advice letter was filed on August 12, 1991. OSA plan approval was not obtained until March 16, 1992, 8 months after the site went into service, which can be a felony violation of California's Education Code. FCC Form 489 was filed on April 30, 1991, which can be a violation of FCC regulations. (Failure to put a site into service more than 90 days after filing FCC form 489 can violate 47 Code of Federal Regulations, Chapter 1, part 22.)

##### Advice Letter 164

Modification and service began in February of 1991. The advice letter was filed August 12, 1991. The site had not provided evidence of OSA plan approval, which can be a felony violation of the California Education Code.

##### Advice Letter 165

Modification and service began in March of 1991. The advice letter was filed August 23, 1991. The site was on Bureau of Land Management (BLM) land and was formally notified of trespass by BLM on February 10, 1992. A site called Iron Mountain had previously been at a close, but different location, also on BLM land, and for which a notice of trespass was also issued on February 10, 1992. These trespasses can be a violation of the Federal Land Policy and Management Retention Act of 1976. (43 U.S.C. 1732.) LACTC did not inform the Commission that this site had been moved, or that it was related to the Iron Mountain site. LACTC notified the CPUC on July 17, 1992 that this site was removed from operation. CACDA has not yet inspected the site to determine whether the facility has actually been removed.

##### Advice Letter 169

LACTC states that it does not know when modification began, but that service began July 23, 1991. The advice letter was filed on October 11, 1991. Final inspection occurred October 4, 1991, which

can be a violation of the Uniform Building Code. The valuation of the project was reported at \$12,000. The purchase order for "civil works buildout at fixed price" was for \$160,000. The City of Los Angeles' building permit fees were based on the \$12,000 valuation.

Advice Letter 170

Modification began on February 22, 1991, and service began on March 4, 1991. The local building permit was obtained May 29, 1991. The advice letter was filed October 10, 1991. Final site inspection took place October 4, 1991, which can be a violation of the Uniform Building Code.

Advice Letter 171

Modification began on April 25, 1991, and service began on May 20, 1991. The advice letter was filed October 10, 1991. LACTC does not know when the building permit was obtained. The contract invoice sheet indicates that the contracted price for the tenant improvement and monopoles would be \$111,884. The valuation recorded on the building permit for the work was recorded at \$25,000. The City of Los Angeles' building permit fees were based on the \$25,000 valuation.

Advice Letter 172

Modification began August 19, 1991, and service began August 31, 1991. The advice letter was filed October 11, 1991. The purchase order with the contractor indicates that the total value of construction was \$115,000. The valuation stated on the building permit application was \$12,500. The City of Los Angeles' building permit fees were based on the \$12,500 valuation.

Advice Letter 173

LACTC stated that it does not know when site modification began. A building permit was issued on November 8, 1990. Service began September 30, 1991. The advice letter was filed October 11, 1991. The site received final inspection on March 16, 1992, which can be a violation of the Uniform Building Code.

Advice Letter 174

Modification began September 8, 1991, and service began September 30, 1991. The advice letter was filed October 11, 1991. The site did not receive final inspection until November 22, 1991, which can be a violation of the Uniform Building Code. The valuation was recorded at \$15,000 and the contract agreement was for \$136,064. The City of Corona's building permit fees were based on the \$15,000 valuation.

Advice Letter 175

LACTC states it does not know when modification began. Service began August 29, 1991. The advice letter was filed October 11, 1991. Valuation was recorded at \$50,000. The contract price was \$128,142. The City of Alhambra's building permit fees were based on the \$50,000 valuation.

Advice Letter 176

Modification began June 21, 1991, and service began July 26, 1991. The FCC Form 489 was mailed on September 31, 1991, which can be a violation of FCC regulations. The advice letter was filed October 11, 1991. The final inspection occurred August 26, 1991, which can be a violation of the Uniform Building Code. The valuation was recorded at \$12,000. The contract for construction was for \$160,000. The City of Los Angeles' building permit fees were based on the \$12,000 valuation.

Advice Letter 177

Modification began August 28, 1991, and service began October 2, 1991. The advice letter was filed October 11, 1991. The final inspection was obtained October 10, 1991, which can be a violation of the Uniform Building Code. The valuation was recorded at \$20,000 for the shelter and \$25,000 for the antenna pole. The purchase order for "new civil works shelter at fixed price" is for \$115,000. The City of Los Angeles' building permit fees were based on the \$45,000 valuation.

Advice Letter 178

Modification began August 15, 1991, and service began August 30, 1991. The advice letter was filed October 11, 1991. Final inspection did not take place until November 14, 1991, which can be a violation of the Uniform Building Code.

Advice Letter 181

LACTC states they do not know when construction began. The site went into service in July of 1991. FCC Form 489 was filed March 21, 1991, which can be a violation of FCC regulations. The advice letter was filed November 5, 1991.

Advice Letter 182

LACTC states it does not know when construction began. The site went into service March 22, 1991. The advice letter was filed November 5, 1991.

This site is also located on BLM land. LACTC states that the property owner is the County of Riverside. The Lease agreement is with Southern California Site Facilities, Inc. LACTC claims that no permits were required. No copies of any notice given, or

information about the locations notice was posted, were provided. (G.O. 159 requires certain notice provisions in the absence of permit requirements. G.O. 159, V(B)(2).) LACTC did not provide a copy of any right of way agreement. LACTC states, "No Right of Way agreement required for this site."

#### Advice Letter 183

Modifications began in January of 1991. The site went into service in March of 1991. The advice letter was filed November 5, 1991.

This site is also located on BLM land. LACTC states that the property owner is the County of Riverside. The Lease agreement is with Southern California Site Facilities, Inc. LACTC claims that no permits were required. No copies of any notice given, or information about the locations notice was posted were provided. LACTC did not provide any copy of a right of way agreement. LACTC states, "No Right of Way agreement required for this site."

#### Advice Letter 184

Modification began March 28, 1991, and service began March 29, 1991. The advice letter was filed November 5, 1991. On February 10, 1992, LACTC was notified of formal trespass by BLM. LACTC did not provide a copy of any right of way agreement.

#### Advice Letter 185

Modification began March 26, 1991, and service began March 29, 1991. The advice letter was filed November 5, 1991. As of May 28, 1992, the site had not received the final inspection, which can be a violation of the Uniform Building Code.

#### Advice Letter 186

Modification began March 28, 1991, and service began March 29, 1991. The advice letter was filed November 5, 1991. LACTC states that no permits were required. No copies of any notice, or information about locations notice was posted, were provided.

#### Advice Letter 187

Modification began April 30, 1991, and service began August 31, 1991. FCC Form 489 was filed April 30, 1991, which can be a violation of FCC regulations. The advice letter was filed November 5, 1991. The valuation recorded was \$8,000 for the monopole, \$6,000 for the foundation, and a cumulative valuation of \$6,120. The contract is for \$64,812. Riverside County's building permit fees were based on the recorded valuations.

#### Advice Letter 188

Modification began August 8, 1991, and service began August 31, 1991. The advice letter was filed November 5, 1991.

Advice Letter 189

Modification began October 14, 1991, and service began October 31, 1991. FCC Form 489 was filed January 30, 1991, which can be a violation of FCC regulations. The advice letter was filed November 5, 1991. The site did not receive the final inspection until February 27, 1992, which can be a violation of the Uniform Building Code.

Advice Letter 190

Modification began September 9, 1991, and service began October 5, 1991. Building permits for the construction were obtained between September 9, 1991, and December 5, 1991. The advice letter was filed November 5, 1991. The valuation on all the building permits equals \$82,100. The construction purchase order states the cost as \$128,142. The City of Montclair's building permit fees were based on the \$82,100 valuation.

Advice Letter 191

Modification began October 7, 1991, and service began October 31, 1991. The advice letter was filed November 5, 1991. The valuation on the building permit submitted was \$5,000. The construction purchase order is for \$131,776. The City of Rancho Palos Verdes' building permit fees were based on the \$5,000 valuation.

Advice Letter 192

Modification began October 28, 1991. The advice letter was filed November 5, 1991. The building permit submitted lists the valuation at \$2,500. The purchase order for construction is \$115,000. Orange County's building permit fees were based on the \$2,500 valuation.

Advice Letter 194

Modification and service began March 29, 1991. The advice letter was filed November 5, 1991. A Temporary Use Permit (TUP) was submitted for this site, and was obtained October 29, 1991. However, the TUP refers to a different Assessors Parcel Number (APN) than the parcel for this site. The FCC Form 489 submitted also refers to a longitude and latitude different than the location of this site. This FCC form 489 was filed on March 28, 1991. A letter from the FCC dated March 25, 1991, granted LACTC "developmental authority" to construct facilities utilizing "non-type accepted broad band RF repeaters." The authority expired 6 months from the date of the letter or September 26, 1991. LACTC did not provide evidence of authority to use the described

repeaters after September 26, 1991, and before it was removed from service. LACTC notified the CPUC that the site was removed from service on July 17, 1992. CACDA has not yet examined the site to determine whether the facility was actually removed.

Advice Letter 195

Modification and service began March 31, 1991. The advice letter was filed November 5, 1991.

Advice Letter 196

Modification and service began March 28, 1991. The advice letter was filed November 5, 1991. The Assessors Parcel Number on the Temporary Use Permit of October 29, 1991, is different than the APN that is referred to in the advice letter.

Advice Letter 197

Modification and service began March 31, 1991. The advice letter was filed November 5, 1991. FCC Form 489 refers to a longitude and latitude different than the location of this site. This FCC form 489 was filed on March 28, 1991. A letter from the FCC dated March 26, 1991, granted "developmental authority" to LACTC to construct facilities utilizing "non-type accepted broad band RF repeaters". The authority expired 6 months from the date of the letter or September 26, 1991. LACTC did not provide evidence of authority to use the described repeaters subsequent to September 26, 1991, and before it was removed from service.

Advice Letter 203

LACTC does know when modification began, and estimates service began sometime in October, 1990. FCC Form 489 was filed November 13, 1990, which can be a violation of FCC regulations. The advice letter was filed December 12, 1991. The valuation recorded on the building permit was \$26,000. The invoice states a contract amount of \$93,700. The City of Los Angeles' building permit fees were based on the \$26,000 valuation.

Advice Letter 204

Modification began approximately October 20, 1990, and service began November 9, 1990. The advice letter was filed December 12, 1991.

Advice Letter 205

Modification began March 27, 1991, and service began March 29, 1991. The advice letter was filed December 12, 1991.

Advice Letter 206

Modification began October 25, 1990. LACTC estimates the site began service at some time in October of 1990. The advice letter was filed December 12, 1991. FCC Form 489 was filed November 12, 1990, which can be a violation of FCC regulations.

Advice Letter 207

Modification began March 20, 1991, and service began March 29, 1991. LACTC states that no permits were required. LACTC did not provide copies of any notice, or information about the locations notice was posted. The advice letter was filed December 12, 1991.

Advice Letter 208

Modification began January 23, 1991, and service began January 30, 1991. The advice letter was filed December 12, 1991. The final inspection occurred May 28, 1991, which can be a violation of the Uniform Building Code.

Advice Letter 209

LACTC does not know when modification began. Service began March 8, 1991. No evidence of the required building permit has been submitted. The advice letter was filed December 12, 1991.

Advice Letter 210

Modification began June 19, 1991, and service began July 9, 1991. The advice letter was filed December 12, 1991. Building permits were submitted with a cumulative total valuation of \$12,000. The purchase order for civil work is for \$160,000. The City of Los Angeles' building permit fees were based on the \$12,000 valuation.

Advice Letter 230

Modification began in March of 1991, and service began March 28, 1991. The Conditional Use Permit (CUP) was obtained November 22, 1991. The advice letter was filed March 2, 1992. LACTC stated that a "60-foot high wooden pole antenna structure" had been constructed. The CUP permits the construction of a 35-foot pole. No evidence of building permits was submitted.

Advice Letter 231

Modification began in March of 1991, and service began March 29, 1991. The advice letter was filed March 2, 1992. The Riverside County Planning Department (RCPD) approved the plot plan on January 23, 1992. LACTC, in its RCPD application Plot Plan Review of August stated it would install a enhancer and an antenna. In a letter dated November 11, 1991, to RCPD, LACTC stated, "L.A.

Cellular is proposing placing a 35-ft. wood pole with cellular enhancer..." at the site. There is no indication in submitted documents that RCPD was informed that the site had already been constructed. No evidence of any building permits were submitted.

#### LACTC APPENDIX A SITES

##### Advice Letter 244

Modification began in September of 1990, and service began November 30, 1991. San Bernadino County issued a Temporary Use Permit (TUP) on January 10, 1991, which limited construction to a tower of no more than 35 feet. LACTC built a 70 foot tower. The TUP expired on January 10, 1992. LACTC filed an advice letter on April 16, 1992.

##### Advice Letter 245

Modification began June 21, 1990, and service began June 30, 1990. FCC form 489 was filed on July 17, 1990, which can be a violation of FCC regulations. The advice letter was filed April 16, 1992. The final inspection occurred on August 1, 1990, which can be a violation of the Uniform Building Code.

#### OTHER APPENDIX A SITES

Because of major deficiencies in Appendix A filings, CACDA will wait until it has some useful information to report on the remaining 129 Appendix A sites.

#### LOS ANGELES SMSA LIMITED PARTNERSHIP (PACTEL)

##### TEMPORARY SITES

In a letter dated March 21, 1991, Pactel advised CACD that it was operating four sites known as Halloran Summit, Baker, Afton, and Mountain Pass School under the Temporary Facility Exemption of General Order 159, Section III.D.(3). Pactel requested a 120 day extension of operation of the sites under the same exemption. Pactel stated that the four sites had been in service since October, 1990. Pactel admitted "... it [Pactel] is late in notifying CACD pursuant to General Order 159 and apologizes for the delayed notification. Pactel has taken the necessary internal steps to ensure such delay does not occur again."

CACD granted Pactel a 120 day extension in a letter dated April 4, 1991. That extension period ended August 2, 1991. Pactel did not remove the facilities after August 2nd.

Four months later, on December 9, 1991, Pactel advised CACD in a

letter that the sites were still in operation, and requested an additional 120 day extension. Pactel stated "PACTEL'S operation of the sites beyond the extended temporary period was inadvertent and resulted from delays in obtaining necessary permits for the replacement permanent sites."

CACD responded in a letter to Pactel of December 26, 1991, advising Pactel that "CACD considers the continued operation of these sites subsequent to August 2, 1991, as violations of G.O. 159."

January 2 and 4, 1992, CPUC staff visited the Pactel sites. The four sites had still not been removed. The Mountain Pass School site had a fence around it that was (1) unstable, (2) less than 5' high, and (3) less than 4' from the cellular tower.

The County of San Bernardino's Temporary Use Permit conditions were apparently violated by all of these sites. For the "temporary" Afton site, Pactel built an approximately 1000 foot long road, an electric line extension, graded and removed the peak of the mountain, and installed wooden utility poles for antenna support. The TUP, specifically designed for cellular sites, prohibits grading of any kind or construction on peaks or ridges. The "temporary" Mountain Pass School site placed a trailer on a slope, installed an approximately 25 foot utility pole for an antenna support, and appears to violate the California Education Code (as discussed further below).

In a letter of January 15, 1992, Pactel proposed filing advice letters for these four sites, even though CACD had already and repeatedly advised Pactel that such advice letters would be rejected because construction would have occurred prior to filing the advice letters.

In this January 15th letter, and in response to earlier questions of CACDA, Pactel claimed that for the Mountain Pass School site, "We have confirmed that the facility is fenced as required and, in the unlikely event that the pole should collapse, it would remain within the fenced property. A notice containing the resolution passed by the Baker Valley Unified School District Board of Trustees is posted at this facility." [emphasis added.]

In response to further questions by CACDA, Pactel wrote again on April 21, 1992, stating that on January 24, 1992, Pactel "began" construction (again) at the Mountain Pass School. Pactel moved both the trailer and utility pole. During drilling, a propane gas line was bent and began leaking. The gas was shut off.

Based on conversations with school officials, CACDA learned that when school personnel and students returned to the premises the following morning, there was no heat for the school. Classes were held despite the near freezing temperatures. The school district was notified of the gas leak by Pactel only later that afternoon.

On February 3, 1992, the entire propane gas system was retested and a small leak was again found. School maintenance staff removed the valve and capped the propane gas line serving a vacant building.

CACDA considers the site a potential hazard. A new chain link fence was installed at the site and signs were posted warning students and teachers not to enter because the facility may not meet the "structural standards imposed by law for earthquake safety". CACDA inspected the fence and discovered that it could not prevent people from entering the site.

Pactel's Appendix B filing for the Mountain Pass School site did not provide a letter of February 3, 1992, to the County of San Bernardino, which was intended to "Confirm the agreement reached earlier today between Messrs. Brad Fagrell and Ron Paskett of the County of San Bernardino Department of Building and Safety and Messrs. Ernie Courter and Dave Evans of Pactel Cellular....", and stated that "the Partnership desires to remove the temporary shelters located at Baker, Halloran/summit and Afton sites from their trailers and set them down directly on the ground and stabilize them. The shelters will then be in compliance with the California Public Utilities Commission temporary facility guidelines." [emphasis added] G.O. 159 requires that temporary facilities be on a trailer, not on the ground. (G.O. 159, III (D) (3) (a) (1).)

San Bernardino County issued building permits to Pactel soon after, on March 12, 1992. The County's letter of February 10, 1992, to Pactel stated, "Based on our meeting of February 3, 1992, and the letter from Pactel Cellular's attorney dated February 3, 1992, the San Bernardino County Building Department approves the removal of the temporary shelters from their trailers to place them on the ground... This will allow Pactel to comply with the California Public Utilities Commission temporary facility guidelines."

Ordinarily, a cellular company cannot obtain building permits for grading or permanent structures until a CUP is issued by San Bernadino County. Pactel apparently obtained these building permits by representing that it was necessary for G. O. 159 compliance.

For the Mountain Pass School site, Pactel failed to list, as Appendix A required, that they had applied for Office of State Architecture (OSA) approval and OSA rejected their plan. A later application to OSA was approved, but evidence of this approval was not submitted. CACDA's investigation indicates this approval covers different plans, also not submitted, and apparently inconsistent with what was built. No evidence of State Fire Marshall approval was submitted.

#### PACTEL APPENDIX A

LASLP stated that a trailer was initially placed on the site. Additional building permits were obtained, beginning on August 16, 1990. Some time later a permanent structure was constructed, but no advice letter was filed. G.O. 159 requires an advice letter be filed to authorize such modifications unless they are exempted. (G.O. 159, IV, III(D).)

Advice Letter 62 (Bee Canyon)

In the advice letter filing LASLP stated construction began March 28, 1990, the day G.O. 159 went into effect. No resolution was issued. The first building permit was not issued until March 28, 1990. Modification first occurred May 9, 1990. No other evidence was submitted concerning the date modification first began that supports the March 28, 1990, date. Therefore, the site was subject to G.O. 159 when modification began. Service began August 2, 1990. The FCC Form 489 was not mailed until August 28, 1990, which can be a violation of FCC regulations. The final site inspection did not occur until November 19, 1990, which can be a violation of the Uniform Building Code.

Advice Letter 64 (Cabrillo)

Modification began April 16, 1990. The effective date of the resolution authorizing construction was July 7, 1990. Service began July 31, 1990. The FCC Form 489 was not mailed until August 9, 1990, which can be a violation of FCC regulations.

Advice Letter 64 (Woodland Hills)

In the advice letter filing LASLP stated construction began March 28, 1990, the day G.O. 159 went into effect. No resolution was issued. Modification first occurred April 18, 1990. Service began July 31, 1990. No evidence that final site inspection has occurred was submitted. Failure to obtain final site inspection can be a violation of the Uniform Building Code.

Advice Letter 64 (Bel Air)

In the advice letter filing LASLP stated construction began March 28, 1990, the day G.O. 159 went into effect. No resolution was issued. The first building permit was issued in April, 1990. Modification first occurred April 10, 1990. No other evidence was submitted concerning the date modification first began that supports the March 28, 1990, date. Therefore, the site was subject to G.O. 159 when modification began. Service began June 28, 1990. The FCC Form 489 was not mailed until July 12, 1990, which can be a violation of FCC regulations.

Advice Letter 64 (Glendora)

Modification began in June, 1990. Service began June 29, 1990. The effective date of the resolution authorizing construction was July 7, 1990. FCC Form 489 was not mailed until July 2, 1990, which can be a violation of FCC regulations.

Advice Letter 66

According to LASLP, service began May 31, 1990, but modification first began later on June 7, 1990. The effective date of the resolution authorizing construction was July 7, 1990. FCC Form 489 was not mailed until June 11, 1990, which can be a violation of FCC regulations. The final site inspection did not occur until February 26, 1991, which can be a violation of the Uniform Building Code.

Advice Letter 69 (Orangefair)

Modification began July 31, 1990. The effective date of the resolution authorizing construction was August 20, 1990. Service began August 30, 1990. FCC Form 489 was not mailed until September 21, 1990, which can be a violation of FCC regulations. The mechanical permit was obtained August 14, 1990, subsequent to filing the advice letter.

Advice Letter 69 (Lockhead)

Modification began August 3, 1990. The effective date of the resolution authorizing construction was August 20, 1990. Service began October 11, 1990. The FCC Form 489 was not mailed until October 16, 1990, which can be a violation of FCC regulations.

Advice Letter 69 (Azusa)

Modification began August 1, 1990. The effective date of the resolution authorizing construction was August 20, 1990. Service began August 27, 1990. The FCC Form 489 was not mailed until September 21, 1990, which can be a violation of FCC regulations. The final site inspection did not occur until September 27, 1990, which can be a violation of the Uniform Building Code. The electrical permit was obtained August 14, 1990, subsequent to filing the advice letter.

Advice Letter 69 (Irvine)

Modification began July 23, 1990. The effective date of the resolution authorizing construction was August 20, 1990. Service began October 6, 1990. The FCC Form 489 was not mailed until October 16, 1990, which can be a violation of FCC regulations.

Advice Letter 69 (Lennox)

Modification began July 30, 1990. The effective date of the resolution authorizing construction was August 20, 1990. The electrical permit was obtained August 6, 1990, subsequent to filing the advice letter.

Advice Letter 70 (Orange)

Modification began July 26, 1990. The effective date of the resolution authorizing construction was August 23, 1990. Service began August 30, 1990. FCC Form 489 was not mailed until September 21, 1990, which can be a violation of FCC regulations. The final site inspection did not occur until November 26, 1990, which can be a violation of the Uniform Building Code.

Advice Letter 75 (Irvine High)

Modification began September 10, 1990. The effective date of the resolution authorizing construction was September 29, 1990.

Advice Letter 75 (Winnetka)

Modification began August 27, 1990. The effective date of the resolution authorizing construction was September 29, 1990. Service began October 26, 1990. FCC Form 489 was not mailed until October 31, 1990, which can be a violation of FCC regulations. The electrical permit was obtained September 14, 1990, subsequent to filing the advice letter.

Advice Letter 75 (South Mountain)

Modification began February 28, 1990, for use as a microwave site. (As such, it was not subject to G.O. 159, which was effective March 28, 1990.) Cellular equipment was added in August, 1990. The effective date of the resolution authorizing construction of the cellular equipment was September 29, 1990. Service began October 26, 1990. The FCC Form 489 was not mailed until October 31, 1990, which can be a violation of FCC regulations.

Advice Letter 81 (Lomita)

Modification began August 29, 1990. The effective date of the resolution authorizing construction was November 5, 1990. Service

began October 27, 1990. FCC Form 489 was not mailed until October 31, 1990, which can be a violation of FCC regulations.

Advice Letter 81 (Montebello)

Modification began October 11, 1990. The effective date of the resolution authorizing construction was November 5, 1990.

Advice Letter 81 (Harbor Rest)

Modification began September 24, 1990. The effective date of the resolution authorizing construction was November 5, 1990.

Advice Letter 81 (Olive Street)

Modification began October 8, 1990. The effective date of the resolution authorizing construction was November 5, 1990. Service began December 14, 1990. FCC Form 489 was not mailed until January 9, 1991, which can be a violation of FCC regulations. The electrical permit was obtained November 14, 1990, and the mechanical permit was obtained November 15, 1990, subsequent to filing the advice letter.

Advice Letter 81 (Moneta)

Modification began April 28, 1990. Service began October 24, 1990. The effective date of the resolution authorizing construction was November 5, 1990. FCC Form 489 was not mailed until October 31, 1990, which can be a violation of FCC regulations.

Advice Letter 81 (Fontana)

Modification began October 29, 1990. The effective date of the resolution authorizing construction was November 5, 1990. Service began December 29, 1990. FCC Form 489 was not mailed until January 9, 1991, which can be a violation of FCC regulations. The building permit for the 60 foot pole was obtained October 24, 1990, subsequent to filing the advice letter.

Advice Letter 81 (Birkdale)

Modification began October 15, 1990. The effective date of the resolution authorizing construction was November 5, 1990. Service began November 21, 1990. FCC Form 489 was not mailed until November 28, 1990, which can be a violation of FCC regulations.

Advice Letter 81 (Temescal Canyon)

Modification began September 5, 1990, and service began October 8, 1990. The effective date of the resolution authorizing construction was November 5, 1990.

Advice Letter 81 (Westmont II)

Modification began October 8, 1990. The effective date of the resolution authorizing construction was November 5, 1990. The electrical permit was obtained October 25, 1990, subsequent to filing the advice letter.

Advice Letter 81 (Lake Forest)

Modification began September 4, 1990. The effective date of the resolution authorizing construction was November 5, 1990.

Advice Letter 81 (Cutty Sark)

Modification began October 8, 1990. The effective date of the resolution authorizing construction was November 5, 1990. Service began November 29, 1990. FCC Form 489 was not mailed until December 21, 1990, which can be a violation of FCC regulations. The mechanical permit was obtained November 1, 1990, subsequent to filing the advice letter.

Advice Letter 81 (Seal Beach 2)

Modification began October 9, 1990. The effective date of the resolution authorizing construction was November 5, 1990. Service began December 14, 1990. FCC Form 489 was not mailed until December 23, 1990, which can be a violation of FCC regulations. The electrical permit was obtained October 17, 1990, subsequent to filing the advice letter. The final site inspection did not occur until March 26, 1992, which can be a violation of the Uniform Building Code.

Advice Letter 81 (Maywood)

Modification began October 22, 1990. The effective date of the resolution authorizing construction was November 5, 1990. The electrical permit was obtained November 5, 1990, subsequent to filing the advice letter.

Advice Letter 81 (Los Alamitos)

Modification began October 8, 1990. The effective date of the resolution authorizing construction was November 5, 1990.

Advice Letter 82 (Newport Center)

Modification began October 29, 1990. The effective date of the resolution authorizing construction was November 17, 1990. Service began December 31, 1990. FCC Form 489 was not mailed until January 9, 1991, which can be a violation of FCC regulations. A microwave

antenna was added in November of 1991, and no advice letter was filed for the modification.

Advice Letter 82 (Centennial H.S.)

Modification began October 26, 1990. The effective date of the resolution authorizing construction was November 17, 1990. Service began December 29, 1990. FCC Form 489 was not mailed until January 9, 1991, which can be a violation of FCC regulations. A microwave antenna was added in July of 1991, and no advice letter was filed for the modification.

Advice Letter 82 (Rosebowl)

Modification began October 18, 1990. The effective date of the resolution authorizing construction was November 17, 1990. The final site inspection did not occur until March 3, 1992, which can be a violation of the Uniform Building Code.

Advice Letter 83 (Baldwin Peak)

Modification began November 13, 1990. The effective date of the resolution authorizing construction was December 5, 1990. Service began December 28, 1990. FCC Form 489 was not mailed until January 9, 1991, which can be a violation of FCC regulations. The electrical permit was obtained November 29, 1990, subsequent to filing the advice letter.

Advice Letter 83 (Downtown)

Modification began October 15, 1990. The effective date of the resolution authorizing construction was December 5, 1990. Service began January 30, 1991. FCC Form 489 was not mailed until February 11, 1991, which can be a violation of FCC regulations.

Advice Letter 83 (Norwalk)

Modification began November 5, 1990. The effective date of the resolution authorizing construction was December 5, 1990. Service began December 21, 1990. FCC Form 489 was not mailed until January 9, 1991, which can be a violation of FCC regulations.

Advice Letter 83 (Mid City Robertson)

Modification began November 19, 1990. Service began November 30, 1990. The effective date of the resolution authorizing construction was December 5, 1990. FCC Form 489 was not mailed until January 9, 1991, which can be a violation of FCC regulations.

Advice Letter 83 (Hollywood Rivera)

Modification began November 19, 1990. The effective date of the resolution authorizing construction was December 5, 1990. The mechanical permit was obtained November 26, 1990, subsequent to filing the advice letter.

Advice Letter 84 (Bixby Knolls)

Modification began October 17, 1990. The effective date of the resolution authorizing construction was December 22, 1990. Service began December 28, 1990. FCC Form 489 was not mailed until January 9, 1991, which can be a violation of FCC regulations.

Advice Letter 85 (Manchester)

Modification began November 15, 1990. Service began November 30, 1990. The effective date of the resolution authorizing construction was December 28, 1990. FCC Form 489 was not mailed until December 21, 1990, which can be a violation of FCC regulations. The Certificate of Occupation was not issued until February 8, 1991, which can be a violation of the Uniform Building Code.

Advice Letter 85 (Bellflower)

Modification began December 3, 1990. The effective date of the resolution authorizing construction was December 28, 1990. The electric permit was obtained January 17, 1991, the (HVAC) permit was obtained January 22, 1991, the antenna permit was obtained February 22, 1991, all subsequent to filing the advice letter.

Advice Letter 87 (Indio Hills)

Modification began September 10, 1990. The effective date of the resolution authorizing construction was January 12, 1991. Service

began January 22, 1991. FCC Form 489 was not mailed until February 11, 1991, which can be a violation of FCC regulations.

Advice Letter 87 (Forum)

Modification began November 24, 1990. Service began December 28, 1990. The effective date of the resolution authorizing construction was January 12, 1991. FCC Form 489 was not mailed until January 9, 1991, which can be a violation of FCC regulations. The final site inspection did not occur until January 14, 1991, which can be a violation of the Uniform Building Code.

Advice Letter 87 (Chino 2)

Modification began December 4, 1990. Service began December 31, 1990. The effective date of the resolution authorizing construction was January 12, 1991. FCC Form 489 was not mailed until January 9, 1991, which can be a violation of FCC regulations.

Advice Letter 88 (Pomona 2)

Modification began November 15, 1990. The effective date of the resolution authorizing construction was January 20, 1991. Service began January 31, 1991. FCC Form 489 was not mailed until February 11, 1991, which can be a violation of FCC regulations.

Advice Letter 90 (Fletchers)

Modification began January 17, 1991. The effective date of the resolution authorizing construction was February 28, 1991. A microwave antenna was added in August of 1991, and no advice letter was filed for the modification.

Advice Letter 90 (Studio City)

Service began July 31, 1991. The final site inspection did not occur until February 3, 1992, which can be a violation of the Uniform Building Code.

Advice Letter 90 (118 FWY)

Modification began February 7, 1991. The effective date of the resolution authorizing construction was February 28, 1991. The HVAC permit was obtained March 21, 1991, subsequent to filing the advice letter.

Advice Letter 91 (Beverly Western)

Modification began December 1, 1990. The effective date of the resolution authorizing construction was March 22, 1991.

Advice Letter 91 (The Valley)

Modification began February 21, 1991. The effective date of the resolution authorizing construction was March 22, 1991.

Advice Letter 91 (Palm Desert 1)

Modification began December 6, 1990, and service began March 9, 1991. The effective date of the resolution authorizing construction was March 22, 1991.

Advice Letter 91 (KT Olympic)

Modification began January 14, 1991. The effective date of the resolution authorizing construction was March 22, 1991.

Advice Letter 91 (Emerald Bay ENH)

Modification began January 21, 1991. The effective date of the resolution authorizing construction was March 22, 1991.

Advice Letter 93 (Harbor Fwy)

Modification began March 11, 1991. The effective date of the resolution authorizing construction was April 6, 1991. Service began April 29, 1991. The final site inspection did not occur until October 16, 1991, which can be a violation of the Uniform Building Code.

Advice Letter 93 (Riverside Jct.)

Modification began March 18, 1991. The effective date of the resolution authorizing construction was April 6, 1991.

Advice Letter 93 (Arcadia)

Modification began March 7, 1991. The effective date of the resolution authorizing construction was April 6, 1991. FCC Form 489 was filed May 16, 1991. The site did not begin service until August 30, 1991, which can be a violation of FCC regulations.

Advice Letter 94 (San Clemente)

Modification began January 21, 1991. The effective date of the resolution authorizing construction was April 15, 1991.

Advice Letter 94 (Newport Fwy)

Modification began March 19, 1991. The effective date of the resolution authorizing construction was April 15, 1991.

Advice Letter 94 (South Coast Plaza)

Modification began March 9, 1991. The effective date of the resolution authorizing construction was April 15, 1991. The electrical permit was obtained April 2, 1991, subsequent to filing the advice letter.

Advice Letter 94 (Alhambra)

Modification began March 27, 1991. The effective date of the resolution authorizing construction was April 15, 1991. The electrical permit was obtained April 4, 1991, subsequent to filing the advice letter.

Advice Letter 94 (MLK)

Modification began January 21, 1991. The effective date of the resolution authorizing construction was April 15, 1991.

Advice Letter 96 (Mount Olympus)

Modification began December 4, 1990. The Conditional Use Permit was obtained December 6, 1990, and the first building permit was obtained December 12, 1990. The advice letter was filed March 27, 1991. The effective date of the resolution authorizing construction was April 29, 1991.

Advice Letter 96 (Hermosa Beach)

Modification began April 22, 1991. The effective date of the resolution authorizing construction was April 29, 1991.

Advice Letter 96 (223rd Street)

Modification began April 11, 1991. The effective date of the resolution authorizing construction was April 29, 1991. Service began May 24, 1991. The final site inspection did not occur until May 30, 1991, which can be a violation of the Uniform Building Code.