

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

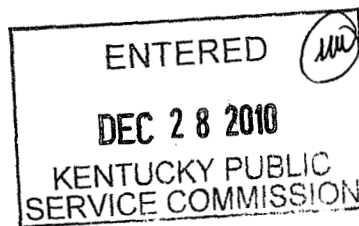
|  |   |            |
|--|---|------------|
| APPLICATION OF NEW CINGULAR WIRELESS   | ) |            |
| PCS, LLC FOR ISSUANCE OF A CERTIFICATE | ) |            |
| OF PUBLIC CONVENIENCE AND NECESSITY    | ) |            |
| TO CONSTRUCT A WIRELESS                | ) | CASE NO.   |
| COMMUNICATIONS FACILITY AT 11096       | ) | 2009-00160 |
| STATE ROUTE 109, STURGIS, UNION        | ) |            |
| COUNTY, KENTUCKY 42459                 | ) |            |
|  | ) |            |
| SITE NAME: STURGIS DT (135G0234)       | ) |            |

O R D E R

On December 7, 2010, the Commission issued an Order lifting the abeyance in this proceeding. In that Order, the Commission stated that it would issue a separate Order dismissing this case for lack of jurisdiction once the Supreme Court's decision in *Kentucky Public Service Commission v. Shadoan*, \_\_\_ S.W.3d \_\_\_, 2010 WL 4679513 (Ky. Nov. 18, 2010) became final. The Supreme Court's decision became final on December 8, 2010. Based upon the Supreme Court decision in *Shadoan* and the Commission's December 7, 2010 Order, the Commission finds that it does not have jurisdiction over the application contained in this proceeding and that this case should be dismissed for lack of jurisdiction and removed from the Commission's docket.

IT IS THEREFORE ORDERED that this case is dismissed and removed from the Commission's docket.

By the Commission



ATTEST

\_\_\_\_\_  
Executive Director

A large, stylized handwritten signature in black ink, written over a horizontal line.

Honorable Todd Briggs  
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