

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 TELECOMMUNICATIONS FACILITY AT)	CASE NO.
MATNEY ROAD, GREENSBURG, GREEN COUNTY,)	2010-00373
KENTUCKY 42743)	
)	
)	
SITE NAME: EXIE (LS1505))	

O R D E R

On October 5, 2010, New Cingular Wireless PCS, LLC, a Delaware limited liability company ("Applicant"), filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a monopole antenna tower not to exceed 199 feet in height, with attached antenna, to be located at Matney Road, Greensburg, Green County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 9' 56.5" by West Longitude 85° 32' 47.5".

The Applicant has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction. Since the proposed tower does not

exceed 200 feet in height above ground level, the Applicant was not required to file applications with the Federal Aviation Administration or the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility.

The Applicant has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited comments and informed the recipients of their right to request intervention. On October 18, 2010, the Commission received a letter from Roy and Joan Driver requesting information regarding the proposed construction. The Commission responded to the Drivers' request by letter dated November 9, 2010. The Commission has received no further correspondence from Mr. and Mrs. Driver.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant has demonstrated that a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

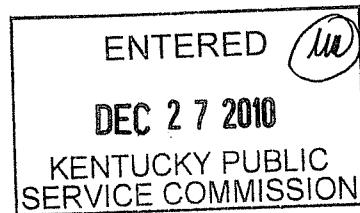
Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, the Applicant should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by the Applicant.

IT IS THEREFORE ORDERED that:

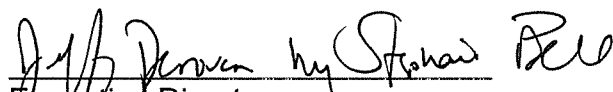
1. The Applicant is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a monopole antenna tower not to exceed 199 feet in height, with attached antenna, and is to be located at Matney Road, Greensburg, Green County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 9' 56.5" by West Longitude 85° 32' 47.5".

2. The Applicant shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

By the Commission



ATTEST:


Executive Director

Case No. 2010-00373

Honorable Todd Briggs
Attorney at Law
Briggs Law Office, PSC
1301 Clear Springs Trace, Suite 205
Louisville, KY 40223