



Steven L. Beshear  
Governor

Leonard K. Peters  
Secretary  
Energy and Environment Cabinet

Commonwealth of Kentucky  
**Public Service Commission**

211 Sower Blvd.  
P.O. Box 615  
Frankfort, Kentucky 40602-0615  
Telephone: (502) 564-3940  
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David L. Armstrong  
Chairman

James Gardner  
Vice Chairman

Charles R. Borders  
Commissioner

March 3, 2011

Ron Boright  
CFO  
Cumberland Cellular Partnership d/b/a Bluegrass Cellular  
2902 Ring Road  
P. O. Box 5012  
Elizabethtown, KY 42701

RE: Case No. 2011-00012  
Cumberland Cellular Partnership d/b/a Bluegrass Cellular

The Commission staff has reviewed your application in the above case and finds that it meets the minimum filing requirements. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,

A handwritten signature in cursive script that reads "Linda Faulkner".

Linda Faulkner  
Filings Division Director

LF/tw  
Enclosure



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Honorable John E. Selent  
Attorney at Law  
Dinsmore & Shohl, LLP  
1400 PNC Plaza  
500 West Jefferson Street  
Louisville, KY 40202

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Linda Faulkner  
Filings Division Director

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Enclosure

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

**FILED**

FEB 24 2011

PUBLIC SERVICE  
COMMISSION

In the Matter of:

**APPLICATION OF CUMBERLAND CELLULAR  
PARTNERSHIP FOR ISSUANCE OF A CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY TO  
CONSTRUCT A CELL SITE (HESTAND) IN RURAL  
SERVICE AREA #5 (MONROE) OF THE COMMONWEALTH  
OF KENTUCKY**

CASE NO. 2011-00012

**RECEIVED**

FEB 24 2011

PUBLIC SERVICE  
COMMISSION

APPLICATION FOR A CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY (HESTAND)

Cumberland Cellular Partnership (“Cumberland Cellular”), through counsel, pursuant to KRS 278.020 and 278.040, hereby submits this application for a certificate of public convenience and necessity to construct a cell site to be known as the Hestand cell site in and for rural service area (“RSA”) #5 of the Commonwealth of Kentucky, namely the counties of Barren, Monroe, Metcalfe, Adair, Cumberland, Russell, Clinton, Wayne, McCreary and Hart, Kentucky.

1. Pursuant to the FCC Order, Docket No. 08-165, dated November 18, 2009, ¶ 32, pp. 11 & 12, the Commission has 150 days to process this application for a certificate of public convenience and necessity to construct a cell tower facility. If the Commission fails to act upon this application within 150 days, then Cumberland Cellular may seek redress with the U.S. District Court for the Eastern District of Kentucky.<sup>1</sup>

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<sup>1</sup>In the Matter of: Petition for Declaratory Ruling to Clarify Provisions of Section 332(c)(7)(B) to Ensure Timely Siting Review and to Preempt Under Section 253 State and Local Ordinances that Classify all Wireless Siting Proposals as Requiring a Variance, FCC Order, Docket No. 08-165, November 18, 2009, pp 11 and 12. “Specifically, we find that a “reasonable period of time” is, presumptively 90 days to process personal wireless service facility siting applications requesting collocations, and, also presumptively, 150 days to process all other applications. Accordingly, if State or local governments do not act upon applications within those timeframes, then a “failure to act” has occurred and personal wireless service providers may seek redress in a court of competent jurisdiction within 30 days, as provided in Section 332(c)(7)(B)(v).” See also Order Denying Motion for Reconsideration, issued August 4, 2010.