

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CENTRAL KENTUCKY )  
CELLULAR TELEPHONE COMPANY FOR )  
ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT ) CASE NO. 92-137  
AN ADDITIONAL CELL FACILITY IN THE )  
LEXINGTON, KENTUCKY METROPOLITAN )  
STATISTICAL AREA (PARIS CELL FACILITY) )

O R D E R

On March 31, 1992, Central Kentucky Cellular Telephone Company ("Central Kentucky Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in the Lexington Metropolitan Statistical Area of Kentucky ("Lexington MSA"). The Lexington MSA includes Bourbon, Clark, Fayette, Jessamine, Scott, and Woodford counties in Kentucky. Central Kentucky Cellular has requested authorization to construct a cell site in Bourbon County, Kentucky. Central Kentucky Cellular was previously granted authority to operate a cellular radio telecommunications system in the Lexington MSA in Case No. 10169.<sup>1</sup>

The proposed cell site consists of a 285 foot guyed antenna tower to be located at 249 Brentsville Road, Paris, Bourbon

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<sup>1</sup> Case No. 10169, The Application of Louisville Cellular Telephone Company, Bluegrass Cellular Telephone Partners and Central Kentucky Cellular Telephone Company for Approval of the Transfer of Ownership and Control of the Public Service Businesses of Louisville Cellular Telephone Company and Bluegrass Cellular Telephone Partners to Central Kentucky Cellular Telephone Company.

County, Kentucky ("the Paris cell site"). The coordinates for the Paris cell site are North Latitude 38° 13' 47" by West Longitude 84° 17' 30".

Central Kentucky Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Paris cell site. Based upon the application, the tower and foundation design appear to meet the criteria of the Building Officials and Code Administrators International, Inc. (BOCA) National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Paris cell site's construction is exempt from local zoning ordinances. However, Central Kentucky Cellular has notified the Bourbon County Planning and Zoning Commission of the proposed construction. Central Kentucky Cellular has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction of the Paris cell site. Both applications have been approved. However, the cell site has been moved approximately 200 feet from the location originally depicted in the FAA and KAZC applications, and Central Kentucky Cellular is in the process of notifying the FAA and the KAZC of the modification.

Central Kentucky Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the Paris

cell site has been notified of the pending construction. The notice solicited any comments and informed the property owner and/or resident of their right to intervene. To date, no comments or requests for intervention have been received.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Central Kentucky Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Paris cell site in the Lexington MSA under Central Kentucky Cellular's previously approved tariff.

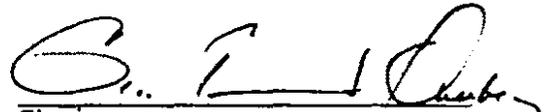
IT IS THEREFORE ORDERED that:

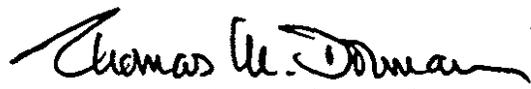
1. Central Kentucky Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 285 foot guyed cellular radio telecommunications antenna tower in the Lexington MSA to be located at 249 Brentsville Road, Paris, Bourbon County, Kentucky ("the Paris cell site"). The coordinates for the Paris cell site shall be North Latitude 38° 13' 47" by West Longitude 84° 17' 30".

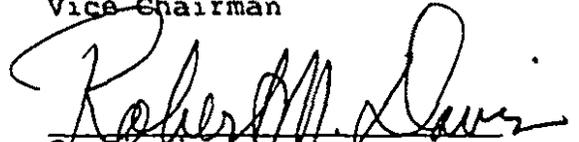
2. Central Kentucky shall file copies of the notifications of the KAZC and FAA and their final decisions regarding the new location of the Paris cell site, within 10 days of receiving these decisions.

Done at Frankfort, Kentucky, this 15th day of June, 1992.

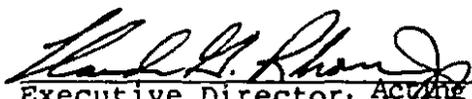
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director, Acting