

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF LEXINGTON MSA LIMITED)
PARTNERSHIP FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT AN ADDITIONAL)
CELL SITE IN MADISON COUNTY, KENTUCKY) CASE NO. 92-384
FOR THE PROVISION OF DOMESTIC PUBLIC)
CELLULAR RADIO TELECOMMUNICATIONS)
SERVICE TO THE PUBLIC IN THE B2 PORTION)
OF RURAL SERVICE AREA NO. 6)

O R D E R

On September 9, 1992, Lexington MSA Limited Partnership ("Lexington MSA Partnership") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in the B2 portion of Rural Service Area No. 6 ("RSA No. 6") of Kentucky. The B2 portion of RSA No. 6 includes Boyle, Casey, Garrard, Lincoln, and Madison counties in Kentucky. Lexington MSA Partnership has requested authority to construct a cell site in Madison County, Kentucky. Lexington MSA Partnership was previously granted authority to operate a cellular radio telecommunications system in the B2 portion of RSA No 6 in Case No. 92-218.¹

¹ Case No. 92-218, Application of Lexington MSA Limited Partnership for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Telecommunications Service to the Public for a Portion of Kentucky Rural Service Area No. 6 Which Includes Madison, Garrard, Boyle, Casey, and Lincoln Counties in Kentucky.

The proposed cell site consists of a guyed antenna tower, with attached antennas, not to exceed 414 feet in height and a communications equipment shelter to be located at 1594 Berea Road, Richmond, Madison County, Kentucky. The coordinates for the proposed cell site are North Latitude 37° 43' 01" by West Longitude 84° 16' 42.75".

Lexington MSA Partnership has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed 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 proposed cell site's construction is exempt from local zoning ordinances. However, Lexington MSA Partnership has notified the Richmond Planning Commission of the proposed construction. Lexington MSA Partnership has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed cell site. Both applications are still pending. No further approvals from the Federal Communications Commission are required for the construction of the proposed cell site. There are no property owners within 500 feet of the proposed cell site other than the lessor.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Lexington MSA Partnership should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in the B2 portion of RSA No. 6 under its previously approved tariff.

IT IS THEREFORE ORDERED that:

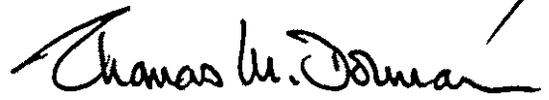
1. Lexington MSA Partnership be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a guyed antenna tower, with attached antennas, not to exceed 414 feet in height to be located at 1594 Berea Road, Richmond, Madison County, Kentucky. The coordinates for the cell site are North Latitude 37° 43' 01" by West Longitude 84° 16' 42.75".

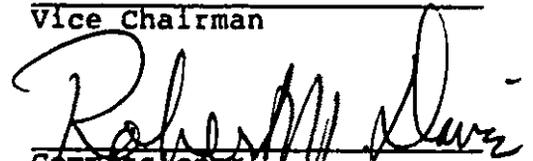
2. Lexington MSA Partnership shall file a copy of the final decisions regarding its pending FAA and KAZC applications for this cell site's construction, within 10 days of receiving these decisions.

Done at Frankfort, Kentucky, this 28th day of October, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director