

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF GTE MOBILNET OF KENTUCKY )  
INCORPORATED FOR ISSUANCE OF A )  
CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO CONSTRUCT AN ADDITIONAL )  
CELL FACILITY IN THE KENTUCKY RURAL ) CASE NO. 96-335  
SERVICE AREA NO. 7 WHICH INCLUDES )  
TRIMBLE, CARROLL, GALLATIN, HENRY, )  
FRANKLIN, OWEN, GRANT, PENDLETON, )  
HARRISON, AND SHELBY COUNTIES IN )  
KENTUCKY (NORTH FRANKFORT CELL FACILITY) )

O R D E R

On July 16, 1996, GTE Mobilnet of Kentucky Incorporated ("GTE Mobilnet") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular telecommunications facility in Rural Service Area No. 7 ("RSA No. 7"). The proposed facility consists of a guyed antenna tower not to exceed 298 feet in height, with attached antennas, to be located at 301 Bates Road, Frankfort, Franklin County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 19' 57" by West Longitude 84° 50' 2".

GTE Mobilnet 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 the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.324(1), the proposed facility's construction is exempt from local zoning ordinances. However, GTE Mobilnet has notified the Franklin County Planning and Zoning Commission of the proposed construction. To date, no comments have been filed by the Planning Commission. GTE Mobilnet 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 facility. Both decisions are pending.

GTE Mobilnet has filed notices verifying that each person who owns property or resides within 500 feet of the proposed facility has been notified of the pending construction. The notice solicited any comments and informed the property owners and residents of their right to intervene. In addition, GTE Mobilnet has posted notice of the proposed construction in a visible location for at least two weeks after filing its application.

The Commission received two letters from nearby property owners commenting on the proposed construction. GTE Mobilnet responded in writing to the comments as ordered by the Commission. Under separate letter, the Commission informed each property owner of the right to request full intervention and a public hearing if GTE Mobilnet's response was not satisfactory. To date, no further comments have been filed with the Commission.

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, GTE Mobilnet 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 GTE Mobilnet.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that GTE Mobilnet should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed facility in RSA No. 7 under its currently approved tariff.

IT IS THEREFORE ORDERED that:

1. GTE Mobilnet is granted a Certificate of Public Convenience and Necessity to construct and operate a guyed antenna tower not to exceed 298 feet in height, with attached antennas, to be located at 301 Bates Road, Frankfort, Franklin County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 19' 57" by West Longitude 84° 50' 2".
2. GTE Mobilnet shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.
3. GTE Mobilnet 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 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 26th day of November, 1996.

PUBLIC SERVICE COMMISSION

Linda K. Breathitt  
Chairman

E. J. Helton  
Vice Chairman

B. J. Helton  
Commissioner

ATTEST:

Don Mills  
Executive Director