

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF HORIZON CELLULAR TELEPHONE)
COMPANY OF CENTRAL KENTUCKY, L.P., A)
DELAWARE LIMITED PARTNERSHIP, FOR ISSUANCE)
OF A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO CONSTRUCT AN ADDITIONAL CELL) CASE NO. 96-461
FACILITY IN THE KENTUCKY RURAL SERVICE AREA)
NO. 4 WHICH INCLUDES SPENCER, ANDERSON,)
HARDIN, NELSON, WASHINGTON, MERCER, MARION,)
LARUE, GREEN, AND TAYLOR COUNTIES IN KENTUCKY)
(THE GREENSBURG CELL FACILITY))

O R D E R

On September 27, 1996, Horizon Cellular Telephone Company of Central Kentucky, L.P. ("Horizon Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications facility for Rural Service Area No. 4 ("RSA No. 4"). RSA No. 4 includes Anderson, Green, Hardin, Larue, Marion, Mercer, Nelson, Spencer, Taylor, and Washington counties. Horizon Cellular has requested authorization to construct a cell site in Green County. Horizon Cellular Telephone Company of Spencer, L.P., was granted authority to operate a cellular radio telecommunications system in RSA No. 4 in Case No. 92-485.¹ Horizon Cellular

¹ Case No. 92-485, The Application of Horizon Cellular Telephone Company of Spencer, L.P., a Delaware Limited Partnership, for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications Service to the Public in Kentucky Rural Service Area Which Includes Spencer, Nelson, Anderson, Hardin, Washington, Mercer, Larue, Marion, Green, and Taylor Counties in Kentucky; for a Certificate of Public Convenience and Necessity to Construct a Cell Site in Elizabethtown, Kentucky; and Establishment of Initial Rates.

Telephone Company of Spencer, L.P., subsequently merged into Horizon Cellular pursuant to authority granted by the Commission in Case No. 94-421.²

The proposed cell site consists of a 280-foot or less guyed antenna tower to be located at 696 W. Buckner Hill Road, Greensburg, Green County, Kentucky ("the Greensburg cell site"). The coordinates for the Greensburg cell site are North Latitude 37° 15' 22" by West Longitude 85° 31' 12".

Horizon Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Greensburg cell site. 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 Greensburg cell site's construction is exempt from local zoning ordinances; however, Horizon Cellular notified the Green County Judge/Executive of the pending construction. Horizon Cellular 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 Greensburg cell site. The FAA determined that the proposed construction would not exceed FAA obstruction standards and would not be a hazard to air navigation. The KAZC application is pending.

Horizon Cellular has filed notices verifying that each person who owns property or who resides within 500 feet of the Greensburg cell site has been notified of the pending

² Case No. 94-421, The Application of Horizon Cellular Telephone Company of Spencer, L.P., a Delaware Limited Partnership, to Merge Into Horizon Cellular Telephone Company of Central Kentucky, L.P., a Delaware Limited Partnership.

construction. The notice solicited any comments and informed the property owners or residents of their right to intervene. In addition, notice was posted in a visible location on the proposed site for at least two weeks after Horizon Cellular's application was filed. To date, no intervention requests have been received.

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, Horizon Cellular should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services 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 Horizon Cellular.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Horizon Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Greensburg cell site in RSA No. 4 under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Horizon Cellular is granted a Certificate of Public Convenience and Necessity to construct and operate the Greensburg cell site.
2. Horizon Cellular shall file a copy of the final decision regarding the pending KAZC application for this cell site construction within 10 days of receiving this decision.

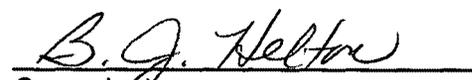
3. Horizon Cellular shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

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

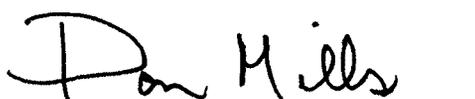
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director