

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF PARALLEL INFRASTRUCTURE)	
ON BEHALF OF NEW CINGULAR WIRELESS PCS)	
LIMITED LIABILITY COMPANY FOR THE)	CASE NO.
ISSUANCE OF A CERTIFICATE OF PUBLIC)	2014-00143
CONVENIENCE AND NECESSITY TO CONSTRUCT)	
A TOWER IN CARTER COUNTY, KENTUCKY)	

ORDER

On May 15, 2014, New Cingular Wireless PCS, d/b/a AT&T Mobility ("New Cingular Wireless"), filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 260 feet in height, with attached antenna, to be located at 127 Beverly Hills Drive, Grayson, Carter County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 19' 38.4" by West Longitude 82° 55' 32.3".

The application and various exhibits indicate that the street address for the proposed facility is 122 Beverly Hills Drive; however, the lease for the tower attached as an exhibit to the application indicates that the correct address is 127 Beverly Hills Drive. On August 13, 2014, Commission Staff issued a request for information seeking clarification of which address was the correct location for the proposed wireless telecommunications facility.

On September 11, 2014, New Cingular Wireless filed its response to Commission Staff's request for information. New Cingular also contemporaneously filed a motion for an enlargement of time to file responses to Commission Staff's request for information as well as an amended application. The amended application included the correct address for the proposed construction site, 127 Beverly Hills Drive, as well as the notices containing the correct address to nearby property owners and the Carter County Judge/Executive, as required by 807 KAR 5:063, Sections 1(1)(L) and 1(1)(n)(1). New Cingular Wireless, on September 10 and 17, 2014, also published notice containing the correct address in the Grayson Journal-Enquirer.

New Cingular Wireless has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the information contained in the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, as discussed, *supra*, New Cingular Wireless has notified the County Judge/Executive of the proposed construction and filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited comments and informed the recipients of their right to request intervention. To date, no public comments have been filed with the Commission.

New Cingular Wireless 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.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that New Cingular Wireless has demonstrated that a facility is necessary to provide adequate utility service and that, therefore, a Certificate of Public Convenience and Necessity to construct the proposed facility should be granted.

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, New Cingular Wireless 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 New Cingular Wireless.

IT IS THEREFORE ORDERED that:

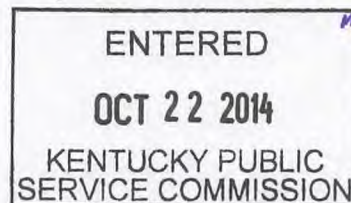
1. New Cingular Wireless's motion for an enlargement of time to file response to Commission Staff's requests for information is granted.
2. New Cingular Wireless is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 260 feet in height, with attached antenna, and is to be located at 127 Beverly Hills Drive, Grayson, Carter County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 19' 38.4" by West Longitude 82° 55' 32.3".

3. New Cingular Wireless shall file a copy of the final decisions regarding the pending FAA and KAZC applications for the proposed construction within ten days of receiving the decisions.

4. New Cingular Wireless 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 three months in the manner authorized by this Order.

5. Documents filed, if any, in the future pursuant to ordering paragraphs 3 and 4 herein shall reference this case number and shall be retained in the utility's general correspondence files.

By the Commission



ATTEST



Executive Director

Case No. 2014-00143

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