

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS)	
PCS, LLC FOR ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	
CONSTRUCT A WIRELESS COMMUNICATIONS)	CASE NO.
FACILITY AT CAMELOT DRIVE, CATLETTSBURG)	2014-00387
BOYD COUNTY, KENTUCKY, 41129)	
)	
SITE NAME: WV273)	

ORDER

On December 15, 2014, New Cingular Wireless PCS, LLC, a Delaware limited liability company d/b/a AT&T Mobility (“Applicant”) filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility.¹ The proposed facility consists of a self-supporting antenna tower not to exceed 199 feet in height, with attached antenna, to be located at Camelot Drive, Catlettsburg, Boyd County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 25’ 30” by West Longitude 82° 39’ 40.70”.²

The Applicant 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

¹ The original application was received on November 20, 2014. The application was supplemented and deemed filed on December 15, 2014.

² See application, Exhibit B, engineering map.

conforms to applicable nationally recognized building standards, and a Licensed Professional Engineer has certified the plans.

Pursuant to 807 KAR 5:063, the Applicant has notified the County Judge/Executive of the proposed construction and filed evidence of appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited comments and informed the recipients of their right to request intervention. On December 8, 2014, the Commission received a letter from Mr. Michael O' Neal requesting additional time to review the proposed tower location indicated in the application to determine the impact of the proposed construction on his property located on 3913 Hurricane Road. The Commission issued a response letter on December 22, 2014, giving Mr. O' Neal 30 days to request full intervention in this proceeding if further participation was desired. The Applicant responded to Mr. O' Neal's letter on January 2, 2015. To date, the Commission has received no additional correspondence from Mr. O' Neal in response to the Applicant's letter or any other indication of his intent to request intervention.

The Applicant has filed evidence indicating that authorization from the Federal Aviation Administration and the Kentucky Airport Zoning Commission was not required for the construction and operation of the proposed facility.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that the Applicant 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, the Applicant 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 the Applicant.

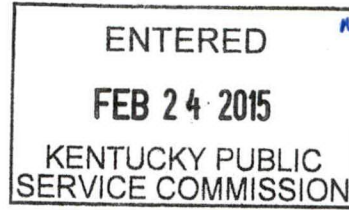
IT IS THEREFORE ORDERED that:

1. The Applicant 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 199 feet in height, with attached antenna, and is to be located at Camelot Drive, Catlettsburg, Boyd County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 25' 30" by West Longitude 82° 39' 40.70".

2. The Applicant 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.

3. Documents filed, if any, in the future pursuant to ordering paragraph 2 herein shall reference this case number and shall be retained in the utility's general correspondence files.

By the Commission



Commissioner Daniel E. Logsdon, Jr. abstains.

ATTEST:



Executive Director

Case No. 2014-00387

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