

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

NEW CINGULAR WIRELESS PCS, LLC DBA AT&T)	
MOBILITY, PCS FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A WIRELESS)	CASE NO.
COMMUNICATIONS FACILITY IN THE)	2016-00076
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF MORGAN)	

ORDER

On February 12, 2016, 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 (“CPCN”) to construct and operate a wireless telecommunications facility.¹ The proposed facility consists of a self-supporting antenna tower not to exceed 265 feet in height, with attached antenna, to be located at 1999 US 460 West, West Liberty, Morgan County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 53’ 33.99” by West Longitude 83° 17’ 14.13”.

The Applicant 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 a licensed professional engineer has certified the

¹ Applicants state that this Application is substantially similar to that filed in Case No. 2014-00074, *Application of New Cingular Wireless PCS, LLC for Issuance of a Certificate of Public Convenience and Necessity to Construct a Wireless Communications Facility in the Commonwealth of Kentucky in the County of Morgan* (Ky. PSC Mar. 14, 2014). A CPCN was issued in that case on August 14, 2014, but the previously proposed tower was not constructed due to changes to Applicants’ deployment schedule for the facility.

plans. Pursuant to 807 KAR 5:063, the Applicant has filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063, the Applicant has filed evidence that the county judge/executive and all property owners within 500 feet and contiguous to the cell site have been notified of the proposed construction. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no public comments have been filed with the Commission.

The Applicant 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 applications have been approved.²

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 CPCN 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

² Application, paragraph 11 at 4–5. Applicant states that the FAA approval document reflects a total structure height of 275 feet, but advises that it will file a revised FAA application reflecting a total structure height of 265 feet consistent with the KAZC application prior to construction.

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 CPCN to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 265 feet in height, with attached antenna, and is to be located at 1999 US 460 West, West Liberty, Morgan County, Kentucky. The coordinates for the proposed facility are North Latitude 37° 53' 33.99" by West Longitude 83° 17' 14.13".

2. The Applicant shall file a copy of the revised FAA application for the proposed construction within ten days of filing the revised application and a copy of the final decision regarding the revised FAA application within ten days of receiving the decision.

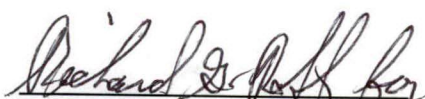
3. The Applicant shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of three months in the manner authorized by this Order.

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

By the Commission

ENTERED
MAR 24 2016
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Acting Executive Director

Case No. 2016-00076

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