

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF HORVATH TOWERS V, LLC FOR	)	
ISSUANCE OF A CERTIFICATE OF PUBLIC	)	
CONVENIENCE AND NECESSITY TO CONSTRUCT	)	CASE NO.
A WIRELESS COMMUNICATIONS FACILITY IN THE	)	2017-00442
COMMONWEALTH OF KENTUCKY IN THE	)	
COUNTY OF CALLOWAY	)	

ORDER

On March 1, 2018, Horvath Towers V, LLC, a Delaware limited liability company (“Horvath”), filed an application seeking a Certificate of Public Convenience and Necessity (“CPCN”) to construct and operate a wireless telecommunications facility. The proposed facility consists of an antenna tower not to exceed 300 feet in height, with attached antennas, to be located on Hico Road in Calloway County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 42’ 56.53” by West Longitude 88° 10’ 20.10”.

Horvath 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 plans.

Pursuant to 807 KAR 5:063, Horvath has filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR5:063, Horvath 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.

Horvath has filed an application with the Federal Aviation Administration seeking approval for the construction and operation of the proposed facility. It has been approved.

Horvath filed an application with the Kentucky Airport Zoning Commission (“KAZC”) seeking approval for the construction and operation of the proposed facility. It has been approved.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Horvath has demonstrated that a facility is necessary to provide adequate utility service and, 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, Horvath should notify the Commission if the antenna tower is not used to provide service in the manner set out in the 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 Horvath.

IT IS THEREFORE ORDERED that:

1. Horvath is granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of an antenna tower not to exceed 300 feet in height, with attached antennas, to be located on Hico Road, Calloway County, Kentucky. The coordinates for the proposed facility are North Latitude 36° 42' 56.53" by West Longitude 88° 10' 20.10".

2. Horvath 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 file.

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By the Commission

ENTERED  
APR 30 2018  
KENTUCKY PUBLIC  
SERVICE COMMISSION

ATTEST:

  
Executive Director

Case No. 2017-00442

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