

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EAST KENTUCKY NETWORK,)	
LLC D/B/A APPALACHIAN WIRELESS FOR)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	CASE NO.
CONVENIENCE AND NECESSITY TO CONSTRUCT)	2018-00002
A CELLULAR TOWER IN THE COMMONWEALTH)	
OF KENTUCKY IN THE COUNTY OF POWELL)	

ORDER

On March 15, 2018, East Kentucky Network, LLC d/b/a Appalachian Wireless (“Appalachian Wireless”) 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 a tower not to exceed 100 feet in height, with attached antennas, to be located near 843 Breckinridge Street, Stanton, Powell County, Kentucky. The coordinates for the proposed facility are North Latitude 37°51’19.1623” by West Longitude 83°51’39.6659”.

On March 20, 2018, both Michael and Patricia Sparks filed separate letters with the Commission stating their opposition to the construction of the tower. The Sparkses also stated that the letters should serve as their requests for intervention in this proceeding. By letter dated April 6, 2018, the Executive Director, on behalf of Commission Staff, sent letters in response to the Sparkses’ letters. The April 6, 2018 letters advised the Sparkses that their letters did not comply with the requirements for making a formal motion for intervention, and described the standards for permissive intervention, and, therefore, the Sparkses’ letters would be treated as public comments.

The April 6, 2018 letters further advised the Sparkses that they, within 30 days of the April 6, 2018 letters, could supplement their letters to seek intervention in a matter that complied with the applicable standards for intervention. As of the date of this Order, the Sparkses have filed no supplements, or any filings, with the Commission. Accordingly, the Sparkses' letters will be treated as public comments, and not as motions to intervene.

Appalachian Wireless 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, Appalachian Wireless has filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063, Appalachian Wireless 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. As of the date of this Order, no public comments or requests for intervention have been received.

Appalachian Wireless has filed applications with the Federal Aviation Administration and the Kentucky Airport Zoning Commission seeking approval for the construction and operation of the proposed facility. Both applications have been approved.

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

IT IS THEREFORE ORDERED that:

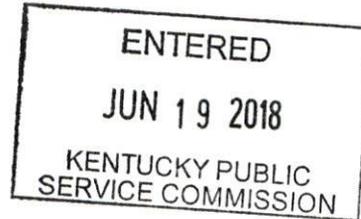
1. Appalachian Wireless is granted a CPCN to construct a wireless telecommunications facility. The proposed facility consists of a tower not to exceed 100 feet in height, with attached antennas, to be located near 843 Breckinridge Street, Stanton, Powell County, Kentucky. The coordinates for the proposed facility are North Latitude 37°51'19.1623" by West Longitude 83°51'39.6659".

2. Appalachian 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.

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



ATTEST:


Executive Director

Case No. 2018-00002

*Krystal Branham
Attorney
East Kentucky Network, LLC dba Appalachian
101 Technology Trail
Ivel, KY 41642

*East Kentucky Network, LLC dba Appalachian
101 Technology Trail
Ivel, KY 41642

*Lynn Haney
Regulatory Compliance Director
East Kentucky Network, LLC dba Appalachian
101 Technology Trail
Ivel, KY 41642

*W.A. Gillum
General Manager
East Kentucky Network, LLC dba Appalachian
101 Technology Trail
Ivel, KY 41642