

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF NEW CINGULAR WIRELESS)	
PCS, LLC, D/B/A AT&T MOBILITY FOR ISSUANCE)	
OF A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO CONSTRUCT A WIRELESS)	CASE NO.
COMMUNICATIONS FACILITY IN THE)	2018-00059
COMMONWEALTH OF KENTUCKY IN THE)	
COUNTY OF LEE)	

ORDER

On February 15, 2018, New Cingular Wireless PCS, LLC, a Delaware limited liability company, d/b/a AT&T Mobility (“AT&T Mobility”), 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 370 feet, with attached antennas, to be located on a parcel of land located at Wide Creek Road, also known as Kentucky Highway 708, Beattyville, Kentucky. The parcel of land on which the proposed facility will be located is owned by William & Judy Avenarius, pursuant to a Deed recorded at Deed Book 200, Page 108 in the office of the County Clerk. The coordinates for the proposed facility are North Latitude 37°36’54.87” by West Longitude 83°32’18.02”.

The parcel of land on which the proposed wireless telecommunications facility is to be constructed is located primarily in Lee County, Kentucky but a portion of the property, including the entrance to the property, crosses into Breathitt County. The proposed wireless telecommunications facilities are to be located wholly within Lee

County and approximately 1,500 ft. from the Breathitt County line at the closest spot. A small portion of the easement to be used to access the proposed facilities in Lee County is located in Breathitt County.

AT&T Mobility 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, AT&T Mobility has filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063, AT&T Mobility has filed evidence that the county judge/executive in Lee County 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.

AT&T Mobility 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.

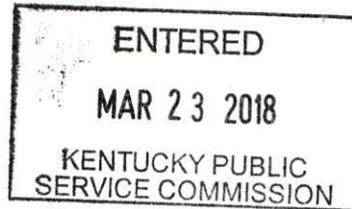
The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that AT&T Mobility has demonstrated that a facility is necessary to provide adequate utility service and, therefore, a CPCN to construct the proposed facility should be granted.

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, AT&T Mobility 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 AT&T Mobility.

IT IS THEREFORE ORDERED that:

1. AT&T Mobility is granted a CPCN to construct the wireless telecommunications facility. The proposed facility consists of a tower not to exceed 370 feet, with attached antennas, to be located on a parcel of land located at Wide Creek Road, also known as Kentucky Highway 708, Beattyville, Kentucky. The coordinates for the proposed facility are North Latitude 37°36'54.87" by West Longitude 83°32'18.02".
2. AT&T Mobility 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.

By the Commission



ATTEST:



Executive Director

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