

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SKYWAY TOWERS, LLC AND)	
CELLCO PARTNERSHIP D/B/A VERIZON)	
WIRELESS FOR ISSUANCE OF A CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A WIRELESS COMMUNICATIONS)	2018-00229
FACILITY IN THE COMMONWEALTH OF)	
KENTUCKY IN THE COUNTY OF CALDWELL)	

ORDER

On July 3, 2018, Skyway Towers, LLC (Skyway), a Delaware limited liability company, and Cellco Partnership d/b/a Verizon Wireless (Verizon Wireless), a Delaware general partnership, filed an application seeking a Certificate of Public Convenience and Necessity (CPCN) to construct and operate a wireless communications facility (facility). The proposed facility consists of a self-supporting antenna tower not to exceed 300 feet in height, with attached antenna, to be located at Kentucky Highway 902 East, Fredonia, Kentucky 42411. The coordinates for the proposed facility are 37°13'32.74" North latitude, 88°02'32.09" West longitude. Skyway 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, Skyway filed statements of having provided the required notifications regarding the proposed construction. Pursuant to 807 KAR 5:063,

Skyway 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.

Skyway 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. The FAA application has been approved and the KAZC application is currently pending approval.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Skyway 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, Skyway should notify the Commission if this 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 Skyway.

IT IS THEREFORE ORDERED that:

1. Skyway is granted a Certificate of CPCN to construct a wireless telecommunications facility. The proposed facility consists of a self-supporting antenna tower not to exceed 300 feet in height, with attached antenna and is to be located at Kentucky Highway 902 East, Fredonia, Kentucky 42411. The coordinates for the proposed facility are 37°13'32.74" North latitude, 88°02'32.09" West longitude.

2. Skyway 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. Skyway shall file a copy of the final decision regarding the pending KAZC application for the proposed construction within 10 days of receiving the decision.

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
AUG 07 2018
KENTUCKY PUBLIC
SERVICE COMMISSION

ATTEST:


Executive Director

Case No. 2018-00229

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