

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

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In the Matter of

THE APPLICATION OF LOUISVILLE CGSA, INC. FOR)
THE ISSUANCE OF A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO PROVIDE A NEW)
DOMESTIC PUBLIC CELLULAR RADIO TELECOMMUNICA-)
TIONS SERVICE TO THE PUBLIC IN THE GREATER) CASE NO.
LOUISVILLE METROPOLITAN AREA INCLUDING ALL,) 9048
OR PARTS OF, JEFFERSON, BULLITT, SPENCER,)
SHELBY, OLDHAM, TRIMBLE AND HENRY COUNTIES)
IN KENTUCKY, AND FLOYD, CLARK AND HARRISON)
COUNTIES IN INDIANA)

O R D E R

On May 25, 1984, CELLNET/Louisville, Cellular Mobile Services of Kentucky, Inc., Courier Communications Corporation, Gencom, Inc., Jeftel Cellular Radio Incorporated, Kentucky Cellular Telephone Company, Louisville Radiofone, Incorporated, M-C Partners of Louisville, Metro Mobile CTS, Millicom, Inc., and Westel-Louisville Company, Ltd. ("Louisville Cellular Telephone Companies"), by counsel, filed a Motion for Full Intervention and to Reschedule Hearing.

On May 30, 1984, Louisville CGSA, Inc., by counsel, filed objections to the Motion stating, among other things, that the Motion, to the extent that it seeks intervention, should be denied because none of the entities purportedly involved in "Louisville Cellular Telephone Companies" possess any actual, present interest, that the Motion refers to the entities as "potential competitors", that the Motion was not timely filed,

and, to the extent that the Motion seeks to postpone the hearing scheduled June 5, 1984, it should be denied because delay would be contrary to the national policy established by the Federal Communications Commission ("FCC") and, for engineering and construction reasons, delay would impose substantial unnecessary risks and costs.

On June 4, 1984, Louisville Cellular Telephone Companies, by counsel, filed a Reply to the objections of Louisville CGSA, Inc. The Reply states, among other things, that the Louisville Cellular Telephone Companies have entered into a partnership and settlement agreement with respect to their applications to the FCC for a non-wireless permit for the Louisville market, that each of the eleven entities moving for full intervention is a "person" within the meaning of '807 KAR 5:001, Section 3(8) and KRS 446.010(26) and may request leave to intervene in this proceeding, that the Motion designated the eleven entities as "Louisville Cellular Telephone Companies" merely for convenience and brevity, that movants all stand in the same position (as potential competitors) in relation to Louisville CGSA, Inc., and that any adversity between the movants with respect to their applications to the FCC for the non-wireless permit has now been resolved by the partnership and settlement agreement. The Motion further states that probable competitors should be permitted to intervene fully; otherwise, applications of monopoly providers will be insulated from comments and cross-examination. With respect to the timeliness of the Motion, the Reply states that the notice of hearing was received May 18, 1984, and that

intervention will aid full consideration of the application. Finally, the Reply states that the rescheduling of the hearing will allow needed time for preparation and will also give movants an opportunity to meet as a formal partnership and coordinate a unified approach.

The Commission, having considered the Motion, objections to Motion, Reply to objections, and being advised, HEREBY ORDERS that the Motion be and it hereby is sustained with respect to the request for full intervention and denied with respect to the request that the hearing scheduled June 5, 1984, at 9:00 a.m., Eastern Daylight Time, be rescheduled.

Done at Frankfort, Kentucky, this 4th day of June, 1984.

PUBLIC SERVICE COMMISSION


For the Commission

ATTEST:

Secretary