

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF EVANSVILLE CELLULAR)
TELEPHONE COMPANY FOR ESTABLISHMENT OF)
INITIAL RATES AND FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO PROVIDE DOMESTIC PUBLIC) CASE NO. 10228
CELLULAR RADIO TELECOMMUNICATIONS SERVICE)
TO THE PUBLIC IN THE EVANSVILLE, INDIANA,)
METROPOLITAN STATISTICAL AREA, INCLUDING)
PARTS OF HENDERSON COUNTY, KENTUCKY)

O R D E R

On April 21, 1988, Evansville Cellular Telephone Company ("Evansville CellTelCo") filed its application for the establishment of initial rates and for a Certificate of Public Convenience and Necessity to construct a cellular radio telecommunications system for mobile and portable telephone communications services in and for the Kentucky portion of the Evansville, Indiana, metropolitan statistical area ("Evansville MSA").

Evansville CellTelCo received a permit from the Federal Communications Commission on March 3, 1987 to construct and operate the non-wireline cellular system for the Evansville MSA. On November 25, 1987, the Indiana Utility Regulatory Commission approved Evansville CellTelCo's petition for a certificate of territorial authority to provide cellular mobile radio telephone service to the public in the Indiana counties within the Evansville MSA.

The proposed initial system will include five cell sites and a mobile telephone switching office. The only Kentucky facility of the proposed system will be located in or around Henderson, Kentucky. The final site for this facility has not been selected; however Evansville CellTelCo has indicated that it will supplement its application with further information about the Henderson facility as soon as the site is selected. Evansville CellTelCo has already completed the construction of a mobile telephone switching office and three of the cell sites located in Evansville, Haubstadt, and Chandler, Indiana, and has been providing service to Indiana customers since December 10, 1987. The cell sites located in Evansville and Chandler, Indiana, cover portions of the northern part of Henderson, Kentucky, and are capable of providing service to Kentucky customers located in this area.

Evansville CellTelCo has requested approval, independently of its request for a Certificate of Public Convenience and Necessity, of its proposed tariff and price list. Since Evansville CellTelCo can provide service to Kentucky customers without constructing facilities in Kentucky, the Commission is of the opinion that this is a reasonable request. As indicated in its application, Evansville CellTelCo should file, and seek approval for, its construction plans for the Henderson facility as soon as a site has been selected.

By this Order, we accept, subject to the conditions contained within this Order, the tariff of Evansville CellTelCo, and thereby grant it the authority to operate within Kentucky. The

Commission is persuaded, based upon evidence contained within the record of this case, that Evansville CellTelCo has the financial, technical, and managerial abilities to provide reasonable service within the Kentucky portion of the Evansville MSA.

The Commission finds the proposed initial rates and conditions of service proposed by Evansville CellTelCo are reasonable, with the following exception. Section XXII C(7)(b) of the tariff lists the maximum price for call transfers; however, the price list exceeds this amount. This is probably a typographical error; however, either the tariff or the price list should be corrected. In addition, Evansville CellTelCo is required to provide a toll free number and the name of a contact person who would be responsible for resolving complaints.

FINDINGS AND ORDERS

The Commission, having considered the evidence of record and being advised, finds that:

1. Evansville CellTelCo should be granted authority to provide cellular radio telecommunications service within the Kentucky portion of the Evansville MSA.

2. Evansville CellTelCo should file, and seek approval for, its construction plans for the proposed Henderson facility as soon as a site has been selected.

3. Evansville CellTelCo has the financial, technical, and managerial abilities to provide reasonable service.

4. Evansville CellTelCo's proposed rates and tariff are reasonable and should be approved subject to the exception noted herein.

5. Evansville CellTelCo should provide, within 30 days of the date of this Order, a toll free number and the name of a contact person who will be responsible for resolving complaints.

IT IS THEREFORE ORDERED that:

1. Evansville CellTelCo be, and hereby is, granted authority to provide cellular radio telecommunications service within the Kentucky portion of the Evansville MSA.

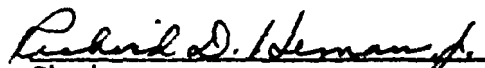
2. Evansville CellTelCo's proposed rates and tariff are hereby accepted, subject to the exception contained within this Order.

3. Within 30 days of the date of this Order, Evansville CellTelCo shall file its revised tariff or price list reflecting any changes necessitated by this Order.

4. Evansville CellTelCo shall comply with all matters contained in Findings 2 and 5 as if each had been individually so ordered.

Done at Frankfort, Kentucky, this 16th day of June, 1988.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:

Executive Director