

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #3 CELLULAR)
GENERAL PARTNERSHIP FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY TO PROVIDE DOMESTIC PUBLIC) CASE NO. 90-307
CELLULAR TELECOMMUNICATIONS SERVICE TO)
THE PUBLIC IN RURAL SERVICE AREA #3)
(MEADE) OF THE COMMONWEALTH OF KENTUCKY)

O R D E R

On October 4, 1990, Kentucky RSA #3 Cellular General Partnership ("Kentucky RSA #3 Cellular") tendered for filing an application for a Certificate of Public Convenience and Necessity to provide domestic cellular telephone service in Rural Service Area No. 3 of Kentucky. Upon review of the application for compliance with governing statutes and regulations, specific deficiencies were noted in an October 19, 1990 letter from the Commission's office of Executive Director. Kentucky RSA #3 Cellular filed on October 31, 1990 additional information which was deemed sufficient to cure the previously noted deficiencies.

Based on a review of the application and the additional information filed, the Commission hereby finds that Kentucky RSA #3 Cellular's application is deficient in the following respects:

1. A description of the manner in which the proposed facilities will be constructed, as required by 807 KAR 5:001, Section 9(2)(c), has not been provided. The engineering plans and specifications for each facility to be constructed must be filed

to satisfy this regulation. In addition, one copy of the plans and specifications must have an original signature, under seal, and be dated, by a registered professional engineer as required by KRS 322.340.

2. Three maps to suitable scale, preferably not more than two miles per inch, showing the location of the proposed new construction, as well as the location to scale of any like facilities owned by others located anywhere within the map area with adequate identification as to the ownership of such other facilities, as required by 807 KAR 5:001, Section 9(2)(d), have not been provided.

IT IS THEREFORE ORDERED that within 30 days from the date of this Order Kentucky RSA #3 Cellular shall cure the deficiencies noted in Findings 1 and 2.

IT IS FURTHER ORDERED that within 30 days of the date of this Order Kentucky RSA #3 Cellular shall provide the following information and comply with the notice requirements set out herein:

1. The street address for each cell site for which authority to construct is being requested in this case.

2. A copy of each application filed with the Federal Aviation Administration for approval to construct the cell sites proposed in this case and a copy of each approval to construct.

3. A copy of each application filed with the Federal Communications Commission to operate the cellular radio sites proposed in this case and a copy of each authorization issued.

4. For each site, what are the tower elevations above ground level and above mean sea level?

5. Provide vertical profile sketches of antenna structures at each site. Label precisely.

6. Identify the rock formation by name and rock type (principle) on which each tower will be constructed.

7. (a) Has core drilling been conducted on each site to determine the rock types and structures? If not, why not? If yes, explain thoroughly.

(b) Have other methods been used? If yes, provide.

8. (a) How thick are the soil and weathered rock horizon?

(b) How deep are firms and solid bedrocks?

9. (a) What was the elevation of the 1937 flood at each site?

(b) What are tower foundation elevations at each site?

10. (a) Given the seismic activity of Western Kentucky and the potential for an earthquake capable of causing considerable damage in this immediate area, what steps have been taken to ensure that these towers will survive episodes of strong ground shakings?

(b) If they fall as a result of such an event, how many residences are within reach or in danger of being damaged?

11. Is Kentucky RSA #3 Cellular aware that structures constructed directly on bedrock experience less movement during earthquake shaking than those structures built on a soil horizon?

12. What steps have been taken to ensure these towers will survive episodes of strong tornadoes? Explain thoroughly.

13. Describe in detail the qualifications and experience of personnel directly responsible for the design and construction of the proposed towers.

14. Provide legible diagrams showing all structures within 500 feet of each proposed cell site.

15. Kentucky RSA #3 Cellular shall give written notice of the proposed tower site to each and every resident/tenant whose dwelling lies within 500 feet of the proposed tower site and to each and every owner of property within 500 feet of the proposed tower site of the application.

(a) The notice required above shall be that contained in Appendix A, attached hereto and incorporated as if fully set out herein. A map showing the location of the proposed tower shall be attached to this notice. The notice shall be mailed, postage prepaid, to each resident/tenant and property owner whose property lies within 500 feet of the proposed tower site.

(b) Kentucky RSA #3 Cellular shall mail the written notification described above no later than 30 days from the date of this Order, and within 10 days after completion of the notification, Kentucky RSA #3 Cellular shall file an affidavit with the Commission verifying full compliance with this notice requirement including, but not limited to, listing the name and address of each resident and property owner who received the notice, the date the notice was mailed, postage prepaid, and attaching a true copy of the written notice given to the residents and property owners.

16. Provide a toll free number or provision for accepting collect calls, and point of contact, for customer complaints.

17. With reference to the financing of the proposed construction, the additional information filed by Kentucky RSA #3 Cellular on October 31, 1990 at paragraph 7 of the cover letter, states that the construction will be financed by contributions from partners.

(a) Identify the partners who will be contributing the money necessary to finance the construction of the system and provide a copy of each partnership agreement.

(b) Identify the amount each will contribute toward construction of the system.

(c) Provide evidence establishing the financial ability of each partner to contribute his designated share toward construction of the system.

18. With reference to the estimated cost of operation after the construction of the system, provide the following information. The amount should reconcile to the gross estimates previously filed.

(a) A detailed breakdown of estimated operating expenses.

(b) An explanation as to how the estimates were derived.

(c) State the amount of and the basis for any projected bonuses to occur during the first 4 years of operation.

19. Provide a copy of the proposed tariff setting forth all rates, rules, and conditions of service which will govern if authorization is granted to construct the proposed facilities.

Done at Frankfort, Kentucky, this 29th day of November, 1990.

PUBLIC SERVICE COMMISSION


Robert M. Davis
For the Commission

ATTEST:


Lee M. McCreath
Executive Director

APPENDIX A

APPENDIX TO AN ORDER OF THE KENTUCKY PUBLIC SERVICE
COMMISSION IN CASE NO. 90-307 DATED 11/29/90

PUBLIC NOTICE

On October 4, 1990, Kentucky RSA #3 Cellular General Partnership applied to the Public Service Commission of Kentucky for a Certificate of Public Convenience and Necessity to construct and operate a new cell facility to provide cellular radio service. The facility would include a ____-foot tower to be located at _____ . A map showing the location is attached. (insert street address)

This notice is being sent to you because you either own property or reside on property that is located within a 500-foot radius of the proposed tower.

The Commission invites your comments regarding the Utility's proposed construction. Also, the Commission wants you to be aware of your right to intervene in this matter. That right must be exercised within 30 days of the date of this notice as shown below. Your comments and requests for intervention should be addressed to:

Executive Director's Office
Public Service Commission of Kentucky
P. O. Box 615
Frankfort, Kentucky 40602

Please refer to Case No. 90-307 in your correspondence.

This NOTICE was mailed on _____ .
(insert date)