

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #4 CELLULAR)	
GENERAL PARTNERSHIP FOR ISSUANCE OF A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO PROVIDE DOMESTIC PUBLIC)	CASE NO. 90-308
CELLULAR TELECOMMUNICATIONS SERVICE TO)	
THE PUBLIC IN RURAL SERVICE AREA #4)	
(SPENCER) OF THE COMMONWEALTH OF)	
KENTUCKY)	

O R D E R

On October 31, 1990, Kentucky RSA #4 Cellular General Partnership ("RSA #4 Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications system for the Rural Service Area No. 4 ("RSA #4") in Kentucky. RSA #4 Cellular seeks authority to construct cellular towers in Radcliff, Bardstown, Elizabethtown, Springfield, Tatham Springs, Terrapin, Campbellsville, and Greensburg, Kentucky.

On November 29, 1990, the Commission ordered RSA #4 Cellular to file additional information and to give written notice of the proposed construction to each resident and property owner within a 500 foot radius of each proposed tower site. On January 2, 1991, RSA #4 Cellular filed an affidavit verifying that notice of the Radcliff, Bardstown, and Elizabethtown sites had been sent. The Commission received no comment regarding the Bardstown and Elizabethtown sites, while protests were received and intervention

granted on the Radcliff site. RSA #4 Cellular subsequently filed the information requested by the Commission relating to the Radcliff, Bardstown, and Elizabethtown sites.

On January 25, 1991, RSA #4 Cellular filed a motion requesting interim authority to construct and operate the Radcliff, Elizabethtown, and Bardstown cell sites. The motion also requested that, with regard to the other cell sites, the Commission incorporate the information already on file relating to the financial, managerial, and technical expertise of RSA #4 Cellular and require the filing of only site-specific technical information.

The proposed Bardstown cell site consists of a 290 foot antenna tower to be located approximately 1 mile North Northeast of Bardstown, Kentucky, East of US Highway 31E and US Highway 150. The proposed Radcliff cell site consists of a 265 foot antenna tower to be located at 302 State Street, 0.2 miles Southwest of US Highway 31W and Central Parkway in Radcliff, Kentucky. The proposed Elizabethtown cell site consists of a 470 foot antenna tower to be located at 0.8 miles from Interstate Highway 65 and Bluegrass Parkway, 2 miles East of Elizabethtown, Kentucky. Information has been provided regarding the structure of these three towers, safety measures, and antenna design criteria. Each tower's design conforms to all standard engineering codes and each tower should withstand high winds, tornadoes, and earthquakes. If extreme weather conditions cause a tower to fall, the tower is so designed that it should bend along its length and fold upon itself in the general vicinity of its base.

Pursuant to KRS 100.324(1), the proposed cell sites construction is exempt from local zoning ordinances. RSA #4 Cellular has filed applications with the Federal Communications Commission, Federal Aviation Administration, and Kentucky Airport Zoning Commission seeking requisite operation and construction approvals. The applications are still pending.

Intervention was requested by and granted to owners of property in proximity to the Radcliff cell site. No requests for intervention were received on either the Bardstown or Elizabethtown cell sites. A hearing on the Radcliff cell site was held at the Commission's offices on February 21, 1991. None of the intervenors appeared at the hearing.

Based on the evidence of record, and being advised, the Commission hereby finds that RSA #4 Cellular has the financial, managerial, and technical expertise to operate a cellular telecommunications system in RSA No. 4, encompassing the counties of Spencer, Anderson, Hardin, Nelson, Washington, Mercer, and Larue, Kentucky. A Certificate of Public Convenience and Necessity to construct the Radcliff, Bardstown, and Elizabethtown cell sites should be granted.

While the pending application seeks authority to construct eight cell sites, information has been provided for only three. If, within 30 days of the date of this order, RSA #4 Cellular provides all the information previously requested for any of the five other sites, those sites will be considered in this case. Otherwise, a new application will be necessary but no additional

evidence of the financial, managerial, or technical qualification of RSA #4 Cellular need be filed.

IT IS THEREFORE ORDERED that:

1. RSA #4 Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to operate a cellular telecommunications system in RSA #4.

2. RSA #4 Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct the Radcliff, Bardstown, and Elizabethtown cell sites at the locations and within the tower heights specified in this Order.

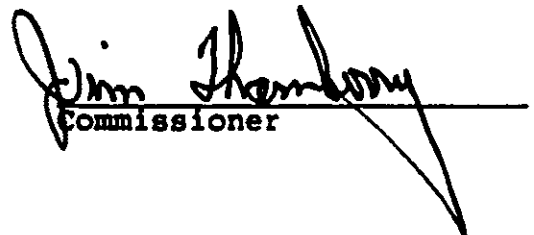
3. Within 30 days from the date of this Order, RSA #4 Cellular shall file its tariff sheets in accordance with 807 KAR 5:011.

Done at Frankfort, Kentucky, this 22nd day of February, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director