

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|  |   |                 |
|--|---|-----------------|
| APPLICATION OF CENTRAL KENTUCKY CELLULAR | ) |                 |
| TELEPHONE COMPANY FOR ISSUANCE OF A      | ) |                 |
| CERTIFICATE OF PUBLIC CONVENIENCE AND    | ) | CASE NO. 90-349 |
| NECESSITY TO CONSTRUCT AN ADDITIONAL     | ) |                 |
| CELL FACILITY IN THE LOUISVILLE,         | ) |                 |
| KENTUCKY-INDIANA METROPOLITAN            | ) |                 |
| STATISTICAL AREA                         | ) |                 |

O R D E R

On November 29, 1990, Central Kentucky Cellular Telephone Company ("Central Kentucky Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate an additional radio telecommunications antenna tower in the Louisville, Kentucky-Indiana Metropolitan Statistical Area ("Louisville MSA").

In a letter accompanying its application, Central Kentucky Cellular requested, as an alternative to its application, a determination that its proposed construction qualifies as an ordinary extension in the usual course of business for which no certificate of convenience and necessity is required. The Commission finds no merit in this request. The construction of a new cellular tower represents a major addition to the facilities of a cellular telephone system and will materially increase its capacity. In addition, the construction of a cellular tower

presents unique safety issues that must be investigated on a case-specific basis. Under these circumstances, the proposed construction is clearly not in the usual course of business.

On January 25, 1991, Central Kentucky Cellular filed an amendment to modify its original application. In this modification, the height of the tower was reduced from 175 feet to 125 feet. Central Kentucky Cellular also changed the foundation of the proposed tower. Attached to its amendment, it also provided a copy of the revised tower design in order to accommodate these changes.

The proposed cell facility is designed to improve Central Kentucky Cellular's existing service and accommodate future subscriber growth. The proposed facility consists of a 125 foot tower which, including its 13 foot antenna, will be 138 feet high. It will be located at 1001 Industrial Boulevard in Louisville, Kentucky. The project will be financed through available working capital and will not result in any rate increase.

Central Kentucky Cellular provided notice of the proposed tower site location to property owners within 500 feet of the proposed tower site. The notice which was dated November 2, 1990 solicited comments from property owners. No comments have been received.

Central Kentucky Cellular also provided information regarding the structure of the tower, safety measures, and antenna design

criteria. The tower design conforms to all standard engineering codes. The tower should withstand high winds, tornadoes, and earthquakes. Should the tower start to fall, the tower will bend along its length and fold upon itself rather than falling in the direction of any building within its radius.


Pursuant to KRS 100.324(1), the proposed cell site construction is exempt from local zoning ordinances. However, Central Kentucky Cellular has notified the Louisville and Jefferson County Planning Commission of its proposed construction by letter dated November 2, 1990 and no reply has been received.

The Federal Communications Commission has already granted Central Kentucky Cellular authority to operate in the Louisville MSA. On September 26, 1990, Central Kentucky Cellular filed applications with the Federal Aviation Administration and Kentucky Airport Zoning Commission seeking their respective approval for the proposed tower site.

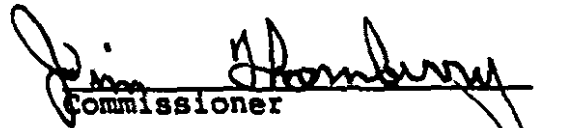
The Commission, having considered the evidence of record and being otherwise sufficiently advised, HEREBY ORDERS that Central Kentucky Cellular shall be granted authority to construct a 138 foot cellular radio telecommunications antenna tower in the Louisville MSA, at 1001 Industrial Boulevard in Louisville, Jefferson County, Kentucky.

Done at Frankfort, Kentucky, this 11th day of February, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director