

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF DANBURY CELLULAR TELEPHONE)
CO. FOR ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO PROVIDE DOMESTIC)
PUBLIC CELLULAR RADIO TELECOMMUNICATIONS)
SERVICE TO THE PUBLIC IN THE KENTUCKY RURAL)
SERVICE AREA WHICH INCLUDES MADISON,) CASE NO.
ROCKCASTLE, LAUREL, GARRARD, BOYLE, LINCOLN,) 90-391
CASEY AND PULASKI COUNTIES, KENTUCKY, FOR)
APPROVAL OF FINANCING, AND FOR ESTABLISHMENT)
OF INITIAL RATES)

O R D E R

On December 14, 1990, Danbury Cellular Telephone Co. ("Danbury Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications system for Rural Service Area No. 6 ("RSA No. 6") and for approval of financing and initial rates. RSA No. 6 includes Madison, Rockcastle, Laurel, Garrard, Boyle, Lincoln, Casey, and Pulaski counties in Kentucky. The application requested authority to construct a Mobile Telephone Switching Office and four cell sites, two in Rockcastle County, Kentucky and one each in Madison and Laurel counties, Kentucky.

On January 22, 1991, Danbury Cellular amended its application to request consideration of only the Madison cell site. The amended application included the engineering plans, specifications and other necessary information related to the Madison cell site.

On February 22, 1991, the Commission issued an Order granting Danbury Cellular a Certificate of Public Convenience and Necessity to construct and operate a cellular telecommunications system in Madison County, Kentucky. Furthermore the Commission approved Danbury Cellular's proposed rates and tariffs. On April 5, 1991, the Commission issued an Order granting Danbury Cellular authority to provide cellular telecommunications service throughout RSA No. 6.

On March 19, 1991 and April 17, 1991, Danbury Cellular amended its application to request authority to construct 5 additional cell sites. The amended application included engineering plans, specifications and other necessary information related to the 5 cell sites.

Danbury Cellular has provided information regarding the structure of the towers, safety measures, and antenna design criteria. The tower designs conform to all standard engineering codes. The towers should withstand high winds, tornadoes, and earthquakes. Should the towers start to fall, the towers are so designed that they should bend along their lengths and fold upon themselves rather than falling in the direction of any building within their radii.

Pursuant to KRS 100.324(1), the proposed cell sites' construction is exempt from local zoning ordinances. However, Danbury Cellular has notified the local Planning and Zoning Commissions or County Judge/Executives of the counties where the cell sites are proposed to be constructed.

The Federal Communications Commission has already granted Danbury Cellular authority to operate. Danbury Cellular has filed applications with the Federal Aviation Administration and Kentucky Airport Zoning Commission seeking their approval for the proposed cell sites. These applications are still pending.

The proposed "Lear Knob" cell site consists of a 264 foot antenna tower to be located at 0.35 mile Northeast of Intersection of SR-1505 and Mt. Zion Road, 3.8 miles Northeast of Brodhead, Kentucky. The proposed "Sand Hill" cell site consists of a 284 foot antenna tower to be located at 1,000 feet East of Interstate 75, 75 feet North of Sand Hill Road and 2.8 miles West Southwest of Livingston, Kentucky. The proposed "Laurel" cell site consists of a 284 foot antenna tower to be located at 2,200 feet North of Intersection of U.S.-25 and SR-80, 1 mile North Northeast of London, Kentucky. The proposed "Hubble" cell site consists of a 360 foot antenna tower to be located at 350 feet Southwest of Blackery Cemetery in Hubble, Kentucky. The proposed "Big Knob" cell site consists of a 364 foot antenna tower to be located at 0.62 mile South Southwest of Intersection of SR-1317 and SR-80, 4.2 miles Northwest of Somerset, Kentucky.

Danbury Cellular notified each property owner and each resident within 500 feet of each proposed cell site that: (1) an application to construct a cellular tower was pending at the Commission; (2) comments on the proposed construction were invited; and (3) intervention could be requested by contacting the Commission. No requests for intervention were received and only one comment was received from a property owner adjacent to the

"Lear Knob" cell site. The concern of this property owner was the affect of this proposed tower on his airstrip. On April 29, 1991, Danbury Cellular filed a copy of its response to this property owner addressing all the issues raised. On April 30, 1991, this property owner filed a letter expressing that he has no objection to the construction of the proposed tower.


The Commission, having considered the evidence of record and being otherwise sufficiently advised, HEREBY ORDERS that Danbury Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate 5 cellular telecommunications antenna towers in RSA No. 6 at the locations and within the heights described above.

Done at Frankfort, Kentucky, this 3rd day of June, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director