

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF BELLSOUTH MOBILITY, INC. )  
FOR ISSUANCE OF A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO CONSTRUCT )  
A CELL SITE IN SHELBYVILLE, KENTUCKY ) CASE NO. 90-404  
FOR THE PROVISION OF DOMESTIC PUBLIC )  
CELLULAR RADIO TELECOMMUNICATIONS )  
SERVICE TO THE PUBLIC IN SHELBY COUNTY, )  
KENTUCKY )

O R D E R

On December 7, 1990, BellSouth Mobility, Inc. ("BMI") filed an application seeking a Certificate of Public Convenience and Necessity to provide cellular telecommunications service and construct and operate a radio telecommunications antenna tower in Shelbyville, Kentucky. The proposed cell site will serve the Shelbyville, Kentucky, portion of Rural Service Area ("RSA") No. 7.

In addition to allowing BMI to initiate cellular services to RSA No. 7, the proposed cell facility will improve BMI's existing service in the adjacent Louisville Metropolitan Statistical Area and accommodate future subscriber growth. The proposed facility consists of a 413 foot antenna tower to be located 7,500 feet Southwest of Intersection of US Highway 60 and Buzzard Roost Road. BMI is leasing the property on which the proposed facility will be located. The only structures within 500 feet of the

proposed cell site are a shed and a barn which are located on the lessor's properties.

On December 17, 1990, BMI 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 is so designed that it should 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, BMI has notified the Triple S Planning and Zoning Commission in Shelbyville of its proposed construction by letter dated December 6, 1990 and no reply has been received.

The Federal Communications Commission has already granted BMI authority to operate. On January 12, 1990, BMI filed an application with the Federal Aviation Administration ("FAA") seeking its approval for the proposed cell site. The FAA approved the application on April 23, 1990.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, HEREBY ORDERS that:

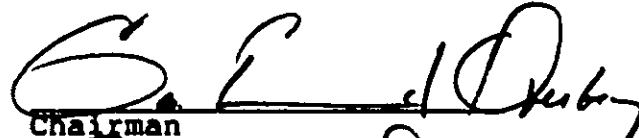
1. BMI shall be granted authority to construct a 413 foot cellular radio telecommunications antenna tower at 7,500 feet Southwest of Intersection of US Highway 60 and Buzzard Roost Road in Shelbyville, Shelby County, Kentucky.

2. BMI shall be granted authority to provide mobile cellular telecommunications service in RSA No. 7.

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

Done at Frankfort, Kentucky, this 15th day of February, 1991.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:



Executive Director