

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF MOUNTAINEER CELLULAR)
GENERAL PARTNERSHIP FOR THE ISSUANCE OF)
A CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO. 91-002
NECESSITY TO PROVIDE DOMESTIC PUBLIC)
CELLULAR RADIO TELECOMMUNICATIONS)
SERVICES TO THE PUBLIC AND FOR)
ESTABLISHMENT OF INITIAL RATES)

O R D E R

On January 15, 1991, Mountaineer Cellular General Partnership ("Mountaineer 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. 10 ("RSA No. 10") and for approval of its initial rates. RSA No. 10 includes Powell, Wolfe, Breathitt, Knott, Letcher, Perry, Owsley, Lee, Jackson, and Estill counties in Kentucky. Cell sites are proposed to be located in Stanton, Campton, Jackson, Hindman, and Hazard.

Mountaineer Cellular proposes to attach antennas on existing towers in the Hindman, Campton, Jackson, and Hazard sites. Since no construction is involved, no Certificate of Public Convenience and Necessity is required for those 4 sites. The proposed Stanton cell site consists of a 313-foot antenna tower to be constructed 2.1 miles south of exit 22 of the Mountain Parkway on the west side of Kentucky Route 213 on Furnace Mountain. Construction of the cellular system will be funded by \$1.6 million of general funds provided by the partners and \$380,000 in loans from the Bank

for Cooperatives of Louisville, Kentucky. Prior to issuing any evidences of indebtedness, Mountaineer Cellular should seek Commission approval pursuant to KRS 278.300.

On February 22, 1991, the Commission ordered Mountaineer Cellular to file additional information and to give written notice of the proposed tower sites to each resident/tenant and each property owner within a 500-foot radius of the proposed tower sites. On April 1, 1991, Mountaineer Cellular filed the additional information as requested, and an affidavit verifying compliance with the notice requirement for the Stanton cell site. The notice, which was mailed on March 12, 1991, solicited comments from the residents and property owners and informed them of their rights to intervene. No comments were received.

Mountaineer Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Stanton cell site. Based upon the application, the tower and foundation design appears to meet the criteria of the Building Officials and Code Administrators International, Inc. ("BOCA") National Building Code, with reference to earthquakes, winds, and tornadoes.

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

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

1. Mountaineer Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to operate a cellular telecommunications system in the RSA No. 10.

2. Mountaineer Cellular be and it hereby is granted authority to construct and operate a 313-foot antenna tower at 2.1 miles south of exit 22 of the Mountain Parkway on the west side of Kentucky Route 213 on Furnace Mountain in Stanton, Kentucky.

3. The rates proposed in Mountaineer Cellular's tariff be and they hereby are approved.

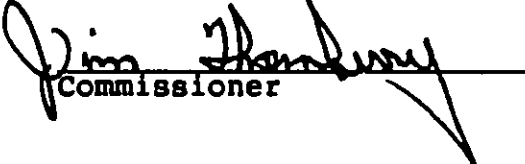
4. Within 30 days from the date of this Order, Mountaineer Cellular shall file its tariff setting forth the rates approved herein and its rules and regulations in accordance with 807 KAR 5:011.

Done at Frankfort, Kentucky, this 16th day of May, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director