

v

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF INDEPENDENT CELLULAR)
NETWORK FOR A CERTIFICATE OF PUBLIC) CASE NO. 91-059
CONVENIENCE AND NECESSITY AUTHORIZING)
THE CONSTRUCTION OF AN ADDITIONAL TOWER)
SITE LOCATION)

O R D E R

On March 15, 1991, Independent Cellular Network, Inc. ("ICN") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate an additional cellular radio telecommunications antenna tower in the Huntington Metropolitan Statistical Area ("Huntington MSA"). The Commission previously granted ICN authority to provide cellular services in the Huntington MSA.

The proposed cell facility will improve ICN's existing services, and will increase the system's capacity to provide service to new customers. This cell facility will be located at .2 miles southwest of Counts Cross Roads, Kentucky, 10 miles west of Grayson, Kentucky. The intersection of I-64 and U.S. 60 is 1 mile west of the cell site. There are no structures within 500 feet of the proposed cell site. All property owners within a 500 foot radius of the proposed tower site were notified of the

proposed construction and advised of their right to file comments with the Commission. No comments were filed. The height of the antenna tip above ground level is to be 369 feet.

ICN has provided information regarding the structure of the tower, safety measures, and antenna design criteria. Based upon the application, the tower and foundation design appear 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 site construction is exempt from local zoning ordinances. The Federal Communications Commission ("FCC") has already granted authority to operate in the Huntington MSA; therefore, no further approvals by the FCC are required. ICN has already filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC"). The FAA approved the proposed construction on May 8, 1991. The KAZC's application is still pending.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, **HEREBY ORDERS** that ICN shall be granted a Certificate of Public Convenience and Necessity to construct and operate a 369 foot cellular radio telecommunications antenna tower in the Huntington MSA, at .2 miles southwest of Counts Cross Roads, Kentucky, 10 miles west of Grayson, Kentucky.

Done at Frankfort, Kentucky, this 28th day of June, 1991.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director