

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CONTEL CELLULAR OF)
LOUISVILLE, INC. FOR ISSUANCE OF)
A CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY TO PROVIDE) CASE NO. 91-355
DOMESTIC PUBLIC CELLULAR RADIO)
TELECOMMUNICATIONS IN KENTUCKY)
RURAL SERVICE AREA NO. 11)

O R D E R

On October 2, 1991, Contel Cellular of Louisville, Inc. ("Contel Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications tower for Rural Service Area No. 11 ("RSA No. 11"). RSA No. 11 includes Bell, Clay, Harlan, Knox, Leslie and Whitley counties in Kentucky.

The proposed cell site consists of a 120 foot antenna monopole to be located on King Mountain, off Kentucky Highway 856, approximately 1.6 miles northeast of Williamsburg at latitude 36° 45' 17" N by longitude 84° 08' 31" W (the "Williamsburg Site"). There are no structures, and the lessors own all of the property within a 500 foot radius of the proposed monopole.

Contel Cellular has provided information regarding the structure of the monopole, safety measures, and antenna design criteria. Based upon the application, the monopole 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's construction is exempt from local zoning ordinances. Contel Cellular has the consent of the Federal Communications Commission ("FCC"). Approvals from the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") are not required.

Based on a review of the record and being otherwise sufficiently advised, the Commission finds that:

1. Contel Cellular should be granted a Certificate of Public Convenience and Necessity to operate a cellular telecommunications system in RSA No. 11 and to construct a 120 foot cellular telecommunications antenna monopole at the Williamsburg Site in Whitley County, Kentucky.

2. The tariff proposed by Contel Cellular should be approved with the exception of Original Sheets 15, 16, 17, 21, and 22. Those tariff sheets should be revised as follows:

a. Refer to Original Page 15, Section 3.7.A. Provide a revised tariff sheet clarifying what "other charges" would be billed to the customer's access number(s).

b. Refer to Original Page 16, Section 3.7.D. Provide a revised tariff sheet clarifying that a late payment penalty will be assessed only once on each monthly bill for services and that penalties will not be applied to unpaid penalties previously assessed.

c. Refer to Original Sheet 17, Section 3.11.A. Change the word "refunded" in line 1 to "refused".

d. Refer to Original Sheet 18, Section 3.11.C. Provide a revised tariff sheet showing the notice time to be given to the customer.

e. Refer to Original Sheet 21, Sections 4.1.B. Provide a revised tariff sheet reflecting that notice to the Commission of changes in rates and charges will be 30 days as required by KRS 278.180.

f. Refer to Original Page 22, Section 4.3.A(2). Provide a revised tariff sheet showing that billing for access may be done in advance, but that usage charges will be billed in arrears.

3. The rates proposed by Contel Cellular should be approved as the fair, just and reasonable rates to be charged by Contel Cellular.

IT IS THEREFORE ORDERED that:

1. Contel Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to operate a cellular telecommunications system in RSA No. 11.

2. Contel Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct a 120 foot cellular telecommunications antenna monopole at the Williamsburg Site in Whitley County, Kentucky.


3. The rates proposed by Contel Cellular are hereby approved.

4. The proposed tariff filed by Contel Cellular be and it is hereby is approved with the exception of Original Sheets 15, 16, 17, 21 and 22.

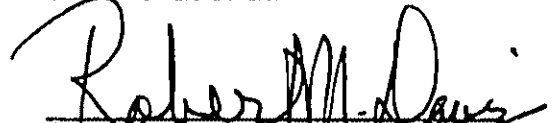
5. Within 30 days from the date of this Order, Contel Cellular shall file its tariff sheets pursuant to 807 KAR 5:011 setting out the rates approved herein and all rules governing the provision of service in accordance with the Commission's Orders and administrative regulations.

Done at Frankfort, Kentucky, this 20th day of December, 1991.

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner

ATTEST:


Executive Director