

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)
CONVENIENCE AND NECESSITY TO) CASE NO. 91-408
PROVIDE DOMESTIC PUBLIC CELLULAR)
RADIO TELECOMMUNICATIONS IN)
KENTUCKY RURAL SERVICE AREA NO.)
6(B1))

O R D E R

On November 4, 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. 6(B1) ("RSA No. 6(B1)"). RSA No. 6(B1) includes Laurel, Pulaski and Rockcastle counties in Kentucky.

The cell facility will be comprised of a control building and a 285 foot self-supporting tower with whip-like antennas mounted on top and parabolic antennas mounted on the sides. The cell site will be located in Laurel County off Kentucky Highway 1956, approximately 3 miles northwest of London at north latitude 37° 09' 07" by west longitude 84° 07' 45" (the "Laurel Site").

Contel has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed tower. Based upon the application, the tower and foundation design appear to meet the criteria of the Building

Officials and Code Administrators International, Inc. National Building Code, with reference to earthquakes, winds, and tornadoes.

Contel has contacted the property owners within a 500 foot radius of the proposed tower. One owner, Jack Blanton, filed a letter of protest with the Commission asserting that the soil conditions would not adequately support the cellular tower and that there would be a hazard of radiation from the transmission of high frequency radio signals. Contel contacted its geotectonic and communications engineers and provided a response to Mr. Blanton. The engineer who conducted a geotectonic investigation described the soundness of the installation procedure for the particular soil type at the proposed site. Also, an engineer specializing in radio technology verified that construction at the proposed site would not result in excessive levels of radio frequency radiation. This response adequately addressed Mr. Blanton's concerns. Approval of this site is reasonably necessary and appropriate for Contel Cellular to provide service to the public.

Pursuant to KRS 100.324 (1), the proposed cell site construction is exempt from local zoning ordinances. Contel has filed applications with the Federal Communications Commission ("FCC"), Federal Aviation Administration ("FAA"), and Kentucky Airport Zoning Commission seeking approval for the operation and construction of the proposed cell site.

The Commission, having considered the evidence of record and being sufficiently advised, HEREBY ORDERS 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. 6(B1).

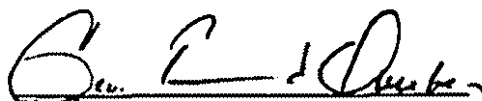
2. Contel Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 285 foot cellular telecommunications antenna tower at the Laurel Site in Laurel County, Kentucky.

3. Within 30 days of the date of this Order, Contel Cellular shall file a revised tariff to include the provision of service for RSA No. 6(B1).

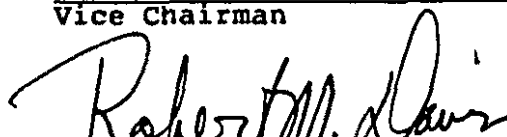
4. Contel Cellular shall file copies of the FCC and FAA approval for this cell site construction.

Done at Frankfort, Kentucky, this 24th day of December, 1991.

PUBLIC SERVICE COMMISSION


Chairman

Vice Chairman


Commissioner

ATTEST:


Executive Director