

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF SOUTHERN OHIO TELEPHONE )  
COMPANY TO CONSTRUCT A CELL SITE IN ) CASE NO. 91-150  
CAMPBELL COUNTY, KENTUCKY )

O R D E R

On December 6, 1991, the Commission entered an Order granting Southern Ohio Telephone Company ("SOTCo") authority to construct a cellular tower antenna and related structure at 25A Lower Eight Mile Road near Melbourne, Kentucky. On December 16, 1991, the Commission received a letter from Larry and Mary Twehues, intervenors in this proceeding. Based on information contained in the letter, the Commission entered an Order granting rehearing to provide an opportunity to address the issues raised in the Twehues' letter.

On December 30, 1991, SOTCo petitioned for reconsideration of the Order granting rehearing. In support of its petition, SOTCo asserts that the Twehues' letter contained no issues that had not been addressed in the final Order. SOTCo further asserts that the record contains no evidence on the availability of alternate sites for the cellular tower though the Twehues contend that the record did support alternate locations.

Lastly, SOTCo asserts that the Commission's Order granting rehearing on the basis of the Twehues' letter is illegal and

denied SOTCo due process. SOTCo states in its petition for reconsideration that it has been denied the opportunity to address the issue contained in the Twehues' letter stating that the fundamental requirement of due process is the opportunity to be heard at a meaningful time and manner. Conrad v. Lexington-Fayette Urban County Government, Ky. 659 S.W.2d 190, 197 (1983). SOTCo has not been denied the opportunity to address the issues, but rather will be afforded such opportunity through the Commission-established rehearing.

On January 6, 1992, the Twehues filed a letter in support of the Commission's having granted rehearing in this proceeding.

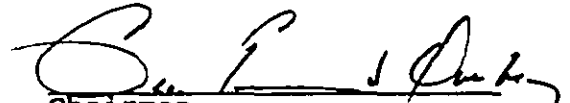
The Commission, having considered the motion and the letter in response and being otherwise sufficiently advised, hereby finds that the motion should be denied and that the Commission's Order granting rehearing should be affirmed.

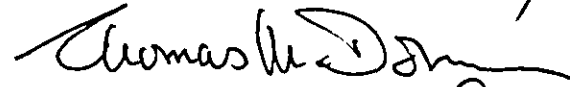
IT IS THEREFORE ORDERED that:

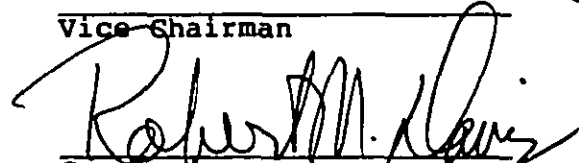
1. SOTCo's motion for reconsideration is hereby denied.
2. Intervenors shall have 20 days from the date of this Order to file testimony concerning all issues raised on rehearing.
3. SOTCo shall have 40 days from the date of this Order to file testimony in response to the intervenors' testimony.
4. A hearing has been scheduled on March 19, 1992 at 10:00 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky.

Done at Frankfort, Kentucky, this 17th day of January, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director