

COMMONWEALTH OF KENTUCKY

BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF SOUTH CENTRAL KENTUCKY )  
CELLULAR CORPORATION FOR ISSUANCE OF )  
CERTIFICATE(S) OF PUBLIC CONVENIENCE AND )  
NECESSITY TO CONSTRUCT ADDITIONAL )  
CELL SITES IN THE KENTUCKY RURAL SERVICE ) CASE NO. 91-297  
AREA WHICH INCLUDES ADAIR, BARREN, )  
CLINTON, CUMBERLAND, HART, MCCREARY, )  
METCALFE, MONROE, RUSSELL, AND WAYNE )  
COUNTIES, KENTUCKY, AND FOR ANY OTHER )  
NECESSARY APPROVAL )

O R D E R

On August 19, 1991, South Central Kentucky Cellular Corporation ("South Central") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate additional cellular radio telecommunications towers in Rural Service Area No. 5 ("RSA No. 5"). RSA No. 5 includes Adair, Barren, Clinton, Cumberland, Hart, McCreary, Metcalfe, Monroe, Russell and Wayne counties in Kentucky.

In Case No. 91-183,<sup>1</sup> by Order dated August 2, 1991, the Commission granted South Central authority to provide cellular

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<sup>1</sup> Case No. 91-183, The Application of South Central Kentucky Cellular Corp. for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications Service to the Public in Kentucky Rural Service Area No. 5 Which Includes Adair, Barren, Clinton, Cumberland, Hart, McCreary, Metcalfe, Monroe, Russell and Wayne Counties, Kentucky, Any Other Necessary Approval, and Establishment of Initial Rates.

services in RSA No. 5 and approved its proposed rates and tariff. The instant application proposes four new cell sites in Barren, Hart, and Wayne counties in Kentucky.

The Commission ordered South Central to file additional information by Order dated November 15, 1991. South Central filed its response on December 5, 1991. By Order dated September 19, 1991, in Case No. 91-244,<sup>2</sup> the Commission approved the transfer of South Central to Danbury Cellular Telephone Co. ("Danbury"). On November 22, 1991, Danbury filed: a motion to succeed to the interests of South Central; amendments and supplements to the pending application; and a request for approval of financing relating to RSA No. 5 and Rural Service Area No. 6 ("RSA No. 6"), in which Danbury also operates a cellular telecommunications system.

The proposed Barren County, Kentucky cell site, referred to as the Prewitt's Knob II cell site, consists of a 250 foot self-supporting antenna tower to be constructed approximately 2.4 miles south-southwest of Cave City, Kentucky, and 1.4 miles south-southwest of the intersection of Highway 31W and State Route 90, on Prewitt's Knob off Happy Valley Road, in Cave City, Kentucky. The Prewitt's Knob II cell site's coordinates are: north latitude 37° 06' 40" by west longitude 85° 58' 43". This

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<sup>2</sup> Case No. 91-244, The Joint Application of Danbury Cellular Telephone Co. and South Central Kentucky Cellular Corp. for Approval of the Transfer of the Jurisdictional Assets and Liabilities of South Central Kentucky Cellular Corp. to Danbury Cellular Telephone Co. and of Related Financing Transactions.

antenna tower will replace an existing one that is structurally incapable of supporting a microwave antenna. There are no inhabited structures within a 500 foot radius of the proposed tower. All property owners within 500 feet of the proposed tower have been notified of the pending construction and informed of their rights to intervene. No responses have been received. Danbury has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") regarding construction of the tower at the Prewitt's Knob II site. The FAA has approved the cell site, while the KAZC's application is still pending.

The proposed Hart County, Kentucky cell site, referred to as the Munfordville site, consists of a 250 foot guyed tower to be constructed one mile west of Leitchfield Crossing and three miles northeast of Munfordville, Kentucky. The Munfordville site's coordinates are: north latitude 37° 18' 06" by west longitude 85° 55' 41". There are no inhabited structures or property owners within a 500 foot radius of the proposed tower. Danbury has filed applications with the FAA and KAZC regarding construction of the tower at the Munfordville site. Both the FAA and KAZC applications are still pending.

The first of the two proposed Wayne County, Kentucky cell sites, referred to as the Bugwood site, consists of a 400 foot guyed tower to be constructed 2.6 miles northwest of Parnell, Kentucky. The Bugwood site's coordinates are: north latitude 36° 53' 48" by west longitude 84° 59' 32". There are no inhabited structures within a 500 foot radius of the proposed tower. All

property owners within 500 feet of the proposed tower have been notified of the pending construction and informed of their rights to intervene. No responses have been received. Danbury has filed applications with the FAA and KAZC, both of which are still pending.

The second proposed Wayne County, Kentucky cell site, referred to as the Sulphur Ridge site, consists of a 400 foot guyed tower to be constructed approximately 2.1 miles east-southeast of the intersection of County Road 1568 and State Highway 90 near Frazer, Kentucky. The Sulphur Ridge site's coordinates are: north latitude 36° 56' 55" by west longitude 84° 40' 13". There are no inhabited structures within a 500 foot radius of the proposed tower. All property owners within 500 feet of the proposed tower have been notified of the pending construction and informed of their rights to intervene. No responses have been received. Danbury has filed applications with the FAA and the KAZC, both of which are still pending.

Pursuant to KRS 100.324(1), construction of the proposed cell sites is exempt from local zoning ordinances. However, Danbury has notified the Barren County Planning Commission, the Hart County Planning Commission, and the Wayne County Judge/Executive of the proposed construction.

Danbury has provided information regarding the structure of the towers, safety measures and antenna design criteria for the proposed Prewitt's Knob II, Munfordville, Bugwood, and Sulphur Ridge cellular towers. Based upon the application, the towers and foundations 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.

The equipment, construction and operation of the proposed cell sites and the RSA No. 5 system generally will be financed by Danbury through a loan from Central Trust Company ("Central Trust"), a New York banking company located in Rochester, New York. The loan proceeds will also be used to pay off an existing loan obtained by Danbury to construct a cellular system in RSA No. 6.<sup>3</sup>

The Commission, having considered the evidence of record and being otherwise sufficiently advised, hereby finds that a Certificate of Public Convenience and Necessity to construct and operate the four proposed telecommunications towers should be granted. The Commission further finds that the proposed financing is for a lawful object within the corporate purpose of Danbury, is consistent with the proper performance by Danbury of its service to the public and will not impair its ability to perform that service, and is reasonably necessary and appropriate for such purpose.

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<sup>3</sup> Case No. 90-391, The Application of Danbury Cellular Telephone Co. for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications Service to the Public in the Kentucky Rural Service Area Which Includes Madison, Rockcastle, Laurel, Garrard, Boyle, Lincoln, Casey, and Pulaski Counties, Kentucky, for Approval of Financing, and for Establishment of Initial Rates.

IT IS THEREFORE ORDERED that:

1. Danbury's motion to succeed to the interests of South Central be and it hereby is granted.

2. Danbury be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the following cell sites at the coordinates named above:

a. A 250 foot self-supporting cellular telecommunications antenna tower to be located on Prewitt's Knob off Happy Valley Road, in Cave City, Kentucky;

b. A 250 foot guyed cellular telecommunications antenna tower to be located one mile west of Leitchfield Crossing and 3 miles northeast of Munfordville, in Hart County, Kentucky;

c. A 400 foot guyed cellular telecommunications antenna tower to be located 2.6 miles northwest of Parnell, in Wayne County, Kentucky; and

d. A 400 foot guyed cellular telecommunications antenna tower to be located 2.1 miles east-southeast of the intersection of County Road 1568 and State Highway 90, near Frazer, in Wayne County, Kentucky.

2. Danbury be and it hereby is granted authority to obtain financing for the proposed cellular system from Central Trust in accordance with the terms specified in the application.

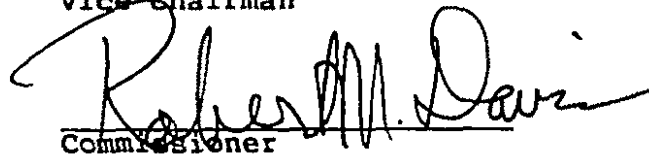
Nothing contained herein shall be deemed a warranty or finding of value of securities or financing authorized herein on the part of the Commonwealth of Kentucky or any agency thereof.

Done at Frankfort, Kentucky, this 16th day of January, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director