

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|   |                 |
|---|-----------------|
| APPLICATION OF KENTUCKY RSA #3 CELLULAR ) |                 |
| GENERAL PARTNERSHIP FOR ISSUANCE OF A )   |                 |
| CERTIFICATE OF PUBLIC CONVENIENCE AND )   | CASE NO. 92-022 |
| NECESSITY TO CONSTRUCT A CELL SITE IN )   |                 |
| RURAL SERVICE AREA #3 (MEADE) OF THE )    |                 |
| COMMONWEALTH OF KENTUCKY )                |                 |

O R D E R

On January 14, 1992, Kentucky RSA #3 Cellular General Partnership ("Kentucky Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in Rural Service Area No. 3 ("RSA No. 3"). RSA No. 3 includes Allen, Breckinridge, Butler, Edmonson, Grayson, Hancock, Logan, McLean, Meade, Muhlenberg, Ohio, Simpson, Todd, and Warren counties in Kentucky. Kentucky Cellular has requested authorization to construct a cell site in Breckinridge County, Kentucky. Kentucky Cellular was previously granted authority to operate a cellular radio telecommunications system in RSA No. 3 in Case No. 90-307.<sup>1</sup>

The proposed cell site consists of a 330 foot guyed antenna tower to be located at Route 1, Irvington, Breckinridge County, Kentucky ("the Sinking Creek cell site"). The coordinates for the

---

<sup>1</sup> Case No. 90-307, Application of Kentucky RSA #3 Cellular General Partnership for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Telecommunications Service to the Public in Rural Service Area #3 (Meade) of the Commonwealth of Kentucky.

Sinking Creek cell site are North Latitude 37° 47' 53" by West Longitude 86° 19' 51".

Kentucky Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Sinking Creek cell site. 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 Sinking Creek cell site's construction is exempt from local zoning ordinances. Kentucky Cellular has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Sinking Creek cell site. The FAA reduced the allowable height of the tower from 400 feet to 330 feet. The KAZC application has been approved.

Kentucky Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the Sinking Creek cell site has been notified of the pending construction. The notice solicited any comments and informed the property owner and/or resident of their right to intervene. On February 13, 1992, the Commission received a letter from James B. Basham objecting to the construction of the Sinking Creek cell site. By Order dated February 24, 1992, the Commission granted Mr. Basham full intervention. On March 3, 1992, Kentucky

Cellular filed a response to Mr. Basham's concerns with a copy to Mr. Basham. On March 25, 1992 Mr. Bashman filed a letter with the Commission withdrawing his objection to the placement of the cellular tower. By Order dated March 17, 1992, the Commission invited requests for a public hearing. No requests for hearing were received.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Sinking Creek cell site in RSA No. 3 under Kentucky Cellular's previously approved tariff.

IT IS THEREFORE ORDERED that:

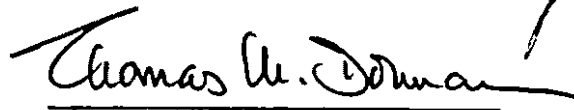
1. Kentucky Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 330 foot cellular radio telecommunications antenna tower in RSA No. 3 to be located at Route 1, Irvington, Breckinridge County, Kentucky, referred to as the Sinking Creek cell site. The coordinates for the Sinking Creek cell site are North Latitude 37° 47' 53" by West Longitude 86° 19' 51".

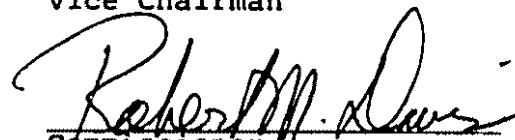
2. Kentucky Cellular shall file a copy of the FAA approval within 10 days of its receipt.

Done at Frankfort, Kentucky, this 29th day of May, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director, Acting