

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF THE CINCINNATI SMSA)
LIMITED PARTNERSHIP FOR THE)
ISSUANCE OF A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY) CASE NO. 92-027
TO CONSTRUCT A NEW CELL FACILITY)
FOR ITS DOMESTIC PUBLIC CELLULAR)
RADIO TELECOMMUNICATIONS SERVICE)
IN WARSAW, KENTUCKY IN THE B2)
PORTION OF KENTUCKY RSA 7)

O R D E R

On January 4, 1992, Cincinnati SMSA Limited Partnership ("Cincinnati SMSA") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications tower for the Rural Service Area No. 7 ("RSA No. 7") in Kentucky. RSA No. 7 includes Franklin, Shelby, Henry, Trimble, Owen, Carroll, Gallatin, Grant, Pendleton, and Harrison counties in Kentucky. Cincinnati SMSA has requested authorization to construct a cell site in Warsaw, Kentucky.

The proposed cell site consists of a 280 foot antenna tower to be located at approximately 3,500' E-NE of the intersection of I-71 and U.S. Route 127, 4 miles E-SE of Warsaw, Kentucky ("the Warsaw site"). The coordinates for the Warsaw site are north latitude 38° 44' 38" by west longitude 84° 49' 18".

Cincinnati SMSA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the 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 proposed cell site's construction is exempt from local zoning ordinances. Cincinnati SMSA has filed applications with the Federal Aviation Administration, the Kentucky Airport Zoning Commission, and the Federal Communications Commission seeking approval for construction and operation of the proposed cell sites. These applications have been approved.

On March 16, 1992, Cincinnati SMSA filed a notice verifying that each resident/property owner whose property lies within 500 feet of the proposed cell site has been notified. The notice, which was mailed on March 9, 1992, solicited comments from the residents and property owners and informed them of their right to intervene. No comments have been received by the Commission.

In accordance with the Commission's Order in Case No. 91-245,¹ services provided by Cincinnati SMSA within RSA No. 7 will be governed by its currently effective tariff.


The Commission, having considered the evidence of record and being otherwise sufficiently advised, HEREBY ORDERS that

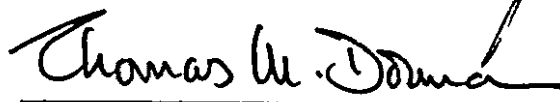
¹ Case No. 91-245, The Application of The Cincinnati SMSA Limited Partnership for the Issuance of A Certificate of Public Convenience and Necessity to Construct a New Cell Facility For Its domestic Public Cellular Radio Telecommunications Service in Williamstown, Kentucky in the B2 Portion of Kentucky RSA 7.


Cincinnati SMSA be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 280 foot cellular telecommunications tower in RSA No. 7 at the Warsaw site - north latitude 38° 44' 38" by west longitude 84° 49' 18".

Done at Frankfort, Kentucky, this 5th day of May, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director, Acting