

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF MOUNTAINEER CELLULAR )	
GENERAL PARTNERSHIP FOR AUTHORITY )	CASE NO. 92-034
TO CONSTRUCT A TOWER FOR THE )	
HINDMAN CELL )	

O R D E R

On February 7, 1992, Mountaineer Cellular General Partnership ("Mountaineer 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. 10 ("RSA No. 10"). RSA No. 10 includes Breathitt, Estill, Jackson, Knott, Lee, Letcher, Owsley, Perry, Powell, and Wolfe counties. Mountaineer Cellular has requested authorization to construct a cell site in Pippa Passes, Kentucky. Mountaineer Cellular was previously granted authority to operate a cellular radio telecommunications system in RSA No. 10 in Case No. 91-002.<sup>1</sup>

The proposed cell site consists of a guyed antenna tower not to exceed 400 feet. The tower is located on Jacobs Mountain, 0.7

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<sup>1</sup> Case No. 91-002, The Application of Mountaineer Cellular General Partnership for the Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications Services to the Public and for Establishment of Initial Rates.

miles northwest of the intersection of KY 899 and KY 1697 in Knott County, Pippa Passes, Kentucky (the "Hindman cell site"). The coordinates for the Hindman cell site are North Latitude 37° 20' 29" by West Longitude 82° 53' 00".

Mountaineer Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria of the Building Officials and Code Administrators International, Inc. National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Hindman cell site's construction is exempt from local zoning ordinances. Mountaineer Cellular has filed applications with the Federal Communications Commission ("FCC"), the Federal Aviation Administration ("FAA"), and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Hindman cell site. Approval has been received from the FCC and FAA, while the KAZC application is still pending.

Mountaineer Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the Hindman 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. To date, no intervention request has been received.

During a routine application inspection, telephone equipment was viewed on the site, resulting in Mountaineer Cellular being cited for a probable violation. This violation was resolved in

Case No. 92-120 by Commission Order dated March 27, 1992.<sup>2</sup>

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Mountaineer Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Hindman cell site in RSA No. 10 under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. Mountaineer Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower, not to exceed 400 feet, in RSA No. 10 to be located 0.7 miles northwest of the intersection of KY 899 and KY 1697 in Knott County, Pippa Passes, Kentucky, referred to as the Hindman cell site. The coordinates for the Hindman cell site are North Latitude 37° 20' 29" by West Longitude 82° 53' 00".

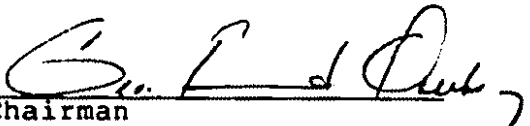
2. Mountaineer Cellular shall file a copy of the final decision regarding its pending KAZC application for this cell site construction, within 10 days of receiving this decision.

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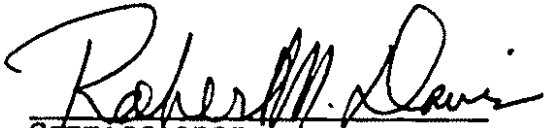
<sup>2</sup> Case No. 92-120, Mountaineer Cellular General Partnership - Alleged Violation of KRS 278.020.

Done at Frankfort, Kentucky, this 6th day of July, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director, Acting