

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY CGSA, INC.,)
A GEORGIA CORPORATION, FOR ISSUANCE)
OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO)
PROVIDE DOMESTIC PUBLIC CELLULAR) CASE No. 92-038
TELECOMMUNICATIONS SERVICE TO THE)
PUBLIC A PORTION OF KENTUCKY RURAL)
SERVICE AREA NO. 8 WHICH INCLUDES)
BRACKEN, MASON, ROBERTSON, LEWIS,)
FLEMING, NICHOLAS, BATH, ROWAN,)
MONTGOMERY AND MENIFEE COUNTIES IN)
KENTUCKY)

O R D E R

On January 23, 1992, Kentucky CGSA, Inc. ("Kentucky CGSA") filed an application seeking a Certificate of Public Convenience and Necessity to provide initial public cellular radio telecommunications service to Rural Service Area No. 8 ("RSA No. 8"). RSA No. 8 includes Bath, Bracken, Fleming, Lewis, Mason, Menifee, Montgomery, Nicholas, Robertson, and Rowan counties in Kentucky.

A Certificate of Public Convenience and Necessity for construction is not required, as Kentucky CGSA plans to utilize an existing tower owned by Lexington MSA Limited Partnership ("Lexington MSA") and located at Route 7, Oliver Road, Winchester, Clark County, Kentucky. The financial, technical, and managerial capabilities of Kentucky CGSA to provide cellular telecommunications services are adequately demonstrated in the exhibits attached to the application.

On February 21, 1992, Kentucky CGSA filed its proposed tariff for services to be rendered in RSA No. 8. Based on its review of the proposed tariff, the Commission finds that the tariff should be revised as follows:

1. Original Page 12 should include the following language at the end of Section 3.3:

Acceptance by the Commission of the liability provisions contained in this tariff does not constitute its determination that the limitation of liability imposed by the company should be upheld in a court of law, but the recognition that, as it is the duty of the courts to adjudicate negligence claims and rights to recover damages therefor, so it is the duty of the courts to determine the validity of the exculpatory provisions of this tariff.

2. Original Page 20, Section 4.1.B, should be revised to provide 30 days notice to the Commission prior to the effective date of any change in rates or charges.

3. Original Page 25, Section 4.4.B(3), should be corrected to reflect that no "incoming" calls will be accepted.

4. The Commission further finds that the rates proposed by Kentucky CGSA should be approved as the fair, just, and reasonable rates to be charged for services rendered in RSA No. 8 on and after the date of this Order.

IT IS THEREFORE ORDERED that:

1. Kentucky CGSA be and it hereby is granted a Certificate of Public Convenience and Necessity to provide domestic cellular radio service in RSA No. 8.


2. The rates proposed by Kentucky CGSA are hereby approved.

3. Within 30 days from the date of this Order, Kentucky CGSA shall file its tariff sheets pursuant to 807 KAR 5:011, setting out the rates approved herein and all rules governing the provision of service in accordance with the Commission's Orders and administrative regulations.


Nothing contained herein shall be construed as a finding of value for any purpose or as a warranty on the part of the Commonwealth of Kentucky or any agency thereof as to the securities authorized herein.

Done at Frankfort, Kentucky, this 9th day of March, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director