

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF DANBURY CELLULAR )  
TELEPHONE CO. D/B/A CELLULAR )  
ONE/UNITED BLUEGRASS CELLULAR CORP. )  
FOR ISSUANCE OF A CERTIFICATE OF ) CASE NO. 92-103  
PUBLIC CONVENIENCE AND NECESSITY TO )  
CONSTRUCT A CELL SITE IN MADISON )  
COUNTY, KENTUCKY, AND FOR ANY OTHER )  
NECESSARY APPROVAL )

O R D E R

On March 24, 1992, Danbury Cellular Telephone Co. d/b/a Cellular One/United Bluegrass Cellular Corp. ("Danbury") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a microwave facility in Rural Service Area No. 6 ("RSA No. 6"), which includes Boyle, Garrard, Laurel, Lincoln, Madison, and Rockcastle counties in Kentucky. Danbury has requested authorization to construct a monopole and microwave facility in Madison County. Danbury was previously granted authority to operate a cellular telecommunications system in RSA No. 6 in Case No. 90-391.<sup>1</sup>

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<sup>1</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.

The proposed microwave site consists of an 83 foot monopole to be located at 124 South Keeneland Drive, Suite 3, Madison County, Richmond, Kentucky, (the "Richmond Site"). The coordinates for the Richmond cell site are North Latitude 37° 46' 28" by West Longitude 84° 19' 15". The monopole will provide a microwave link between the MTSO and Danbury's existing cell site in Madison County.

Danbury has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the microwave 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. However, Danbury has contacted the Richmond Board of Adjustments to inform them of its proposed tower location. Danbury has filed an application with the Federal Communications Commission ("FCC") for approval of the microwave facility and awaits this approval. The Federal Aviation Administration has determined that the tower is not of sufficient height to be regulated. The Kentucky Airport Zoning Commission concurs with this ruling.

On March 23, 1992, Danbury notified each resident/property owner within 500 feet of the proposed cell site. The notice solicited comments from the residents and property owners and informed them of their right to intervene. On April 14, 1992, the

Commission received an opposition letter from Susan J. Lewis. Danbury was ordered to respond in writing to Ms. Lewis's questions, and the Commission informed Ms. Lewis of her right to request full intervention within 20 days. To date, no requests for intervention have been received.


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

1. Danbury be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate an 83 foot monopole and microwave facility at 124 South Keeneland Drive Suite 3, Madison County, Richmond, Kentucky. The coordinates for the Richmond site are North Latitude 37° 46' 28" by West Longitude 84° 19' 15".

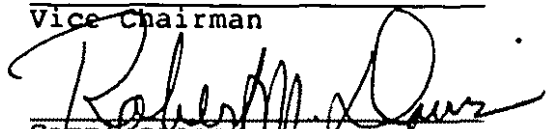
2. Danbury shall file a copy of the final decision regarding its pending FCC application, within 10 days of receiving this decision.

Done at Frankfort, Kentucky, this 15th day of June, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director