

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|   |   |                 |
|---|---|-----------------|
| APPLICATION OF CONTEL CELLULAR OF       | ) |                 |
| LOUISVILLE, INC. FOR ISSUANCE OF A      | ) |                 |
| CERTIFICATE OF PUBLIC CONVENIENCE AND   | ) | CASE NO. 92-106 |
| NECESSITY TO CONSTRUCT AN ADDITIONAL    | ) |                 |
| CELL FACILITY IN KENTUCKY RURAL SERVICE | ) |                 |
| AREA NO. 2 (MORTON'S GAP CELL FACILITY) | ) |                 |

O R D E R

On March 18, 1992, Contel Cellular of Louisville, Inc. ("Contel Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications tower for Rural Service Area No. 2 ("RSA No. 2"). RSA No. 2 includes Caldwell, Crittenden, Hopkins, Livingston, Lyon, Trigg, Union, and Webster counties in Kentucky. Contel Cellular was previously granted authority to operate a cellular radio telecommunications system in RSA No. 2 in Case No. 91-355.<sup>1</sup>

The proposed cell site consists of a 285 foot guyed antenna tower to be located at 1335 Sand Cut Road, Hopkins County, Madisonville, Kentucky. The coordinates for the proposed tower are North Latitude 37° 16' 53" by West Longitude 87° 29' 17" (the "Morton's Gap site"). Contel Cellular has provided information

---

<sup>1</sup> Case No. 91-355, Application of Contel Cellular of Louisville, Inc. for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications In Kentucky Rural Service Area No. 11.

regarding the structure of the tower, safety measures, and antenna design criteria for the proposed tower. 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.

The residents and landowners within a 500 foot radius of the proposed site have been notified of the pending construction. None have sought to intervene.

Contel Cellular has filed an application with the Federal Communications Commission ("FCC") requesting a location change for this particular cell site within RSA No. 2. It also has filed with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the operation and construction of the proposed cell site. All applications are presently pending. Pursuant to KRS 100.324(1), the proposed cell site's construction is exempt from local zoning ordinances. Contel Cellular has the financial, technical, and managerial ability to construct and operate the proposed system.

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

1. Contel Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 285 foot cellular telecommunications antenna tower at 1335 Sand Cut Road, Hopkins County, Madisonville, Kentucky. The coordinates for the Morton's Gap site are North Latitude 37° 16' 53" by West Longitude 87° 29' 17".

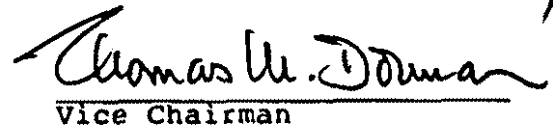
2. Contel Cellular shall file a copy of the final decisions regarding its pending FCC, FAA and KAZC applications for this cell site construction, within 10 days of receiving these decisions.

3. Contel Cellular shall provide service to customers in RSA No. 2 pursuant to its previously approved tariff.

Done at Frankfort, Kentucky, this 22nd day of May, 1992.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director, Acting