

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF CENTRAL KENTUCKY)
CELLULAR TELEPHONE COMPANY FOR)
ISSUANCE OF A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO CONSTRUCT) CASE NO. 92-109
AN ADDITIONAL CELL FACILITY IN THE)
LOUISVILLE, KENTUCKY METROPOLITAN)
STATISTICAL AREA (DOWNTOWN WEST CELL)
FACILITY))

O R D E R

On March 19, 1992, Central Kentucky Cellular Telephone Company ("Central Kentucky Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate an additional cellular radio telecommunications antenna tower in the Louisville Metropolitan Statistical Area ("Louisville MSA") of Kentucky. The Louisville MSA includes Bullitt, Jefferson, and Oldham counties in Kentucky. Central Kentucky Cellular has requested authorization to construct a cell site in Jefferson County, Kentucky. Central Kentucky Cellular was previously granted authority to operate a cellular telecommunications system in the Louisville MSA in Case No. 10169.¹

¹ Case No. 10169, The Application of Louisville Cellular Telephone Company, Bluegrass Cellular Telephone Partners and Central Kentucky Cellular Telephone Company for Approval of the Transfer of Ownership and Control of the Public Service Businesses of Louisville Cellular Telephone Company and Bluegrass Cellular Telephone Partners to Central Kentucky Cellular Telephone Company.

The proposed cell site consists of a 145 foot monopole antenna tower with attached antennas and an equipment shelter to be located at 3130 West Market Street, Louisville, Jefferson County, Kentucky (the "Downtown West cell site"). The coordinates for the Downtown West cell site are North Latitude 38° 15' 36" by West Longitude 85° 48' 11".

Central Kentucky Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Downtown West 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 Downtown West cell site's construction is exempt from local zoning ordinances. However, Central Kentucky Cellular has notified the Louisville and Jefferson County Planning Commission of the Downtown West cell site's construction. Central Kentucky Cellular has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction of the Downtown West cell site. The FAA application has been approved and the KAZC application is still pending.

Central Kentucky Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the Downtown West cell site has been notified of the proposed construction. The notice solicited comments and informed the

property owner and/or resident of their right to intervene. No comments or requests for intervention were received.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Central Kentucky Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Downtown West cell site in the Louisville MSA.

IT IS THEREFORE ORDERED that:

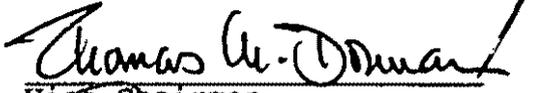
1. Central Kentucky Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 145 foot monopole cellular radio telecommunications antenna tower in the Louisville MSA to be located at 3130 West Market Street, Louisville, Jefferson County, Kentucky (the "Downtown West cell site"). The coordinates for the Downtown West cell site shall be North Latitude $38^{\circ} 15' 36''$ by West Longitude $85^{\circ} 48' 11''$.

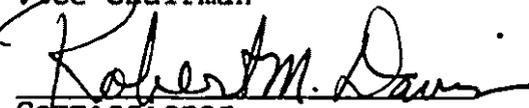
2. Central Kentucky Cellular shall file a copy of the final decision regarding its pending KAZC application for this cell site construction, within 10 days of receiving this decision.

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

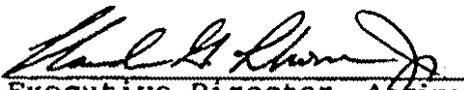
PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director, Acting