

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF KENTUCKY RSA #3 CELLULAR)
GENERAL PARTNERSHIP FOR ISSUANCE OF A)
CERTIFICATE OF PUBLIC CONVENIENCE AND) CASE NO. 92-121
NECESSITY TO CONSTRUCT A CELLULAR CELL)
SITE (CENTRAL CITY) IN RURAL SERVICE)
AREA #3 (MEADE) OF THE COMMONWEALTH OF)
KENTUCKY)

O R D E R

On March 25, 1992, Kentucky RSA #3 Cellular General Partnership ("Kentucky RSA #3 Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for Rural Service Area No. 3 ("RSA No. 3"). RSA No. 3 includes Meade, Breckinridge, Hancock, Ohio, Grayson, Muhlenburg, Butler, Edmonson, Todd, Logan, Warren, Simpson and Allen counties. Kentucky RSA #3 Cellular has requested authorization to construct a cell site in Central City, Kentucky. Kentucky RSA #3 Cellular was previously granted authority to operate a cellular radio telecommunications system in RSA No. 3 in Case No. 90-307.¹

¹ Case No. 90-307, Application of Kentucky RSA #3 Cellular General Partnership for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Telecommunications Service to the Public in Rural Service Area #3 (Meade) of the Commonwealth of Kentucky.

The proposed cell site consists of a guyed antenna tower, 326 feet or less, to be located on Route 2, Central City, Kentucky ("the Central City site"). The coordinates for the Central City site are North Latitude 37° 16' 52" by West Longitude 87° 06' 06".

Kentucky RSA #3 Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Central City 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 earthquake, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Central City cell site's construction is exempt from local zoning ordinances. Kentucky RSA #3 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 Central City cell site. Kentucky RSA #3 Cellular has received approval from the FCC and the FAA, with the FAA reducing the tower height to 326 feet. The KAZC filing is still pending.

Kentucky RSA #3 Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the Central City 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. The Commission received two protest letters, the first from Fern Shutt on April

29, 1992 and the second from Teresa and Ricky Shelton on April 30, 1992. The Commission ordered Kentucky RSA #3 Cellular to respond to these letters and also informed Ms. Shutt and the Sheltons of their right to intervene within 20 days. To date, no requests to intervene have been received.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky RSA #3 Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Central City cell site in RSA No. 3 under its previously approved tariff.

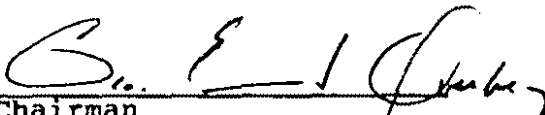
IT IS THEREFORE ORDERED that:

1. Kentucky RSA #3 Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 326 foot or less guyed cellular radio telecommunications antenna tower in RSA No. 3 to be located on Route 2, Muhlenberg County, Central City, Kentucky. The coordinates for the Central City site are North Latitude 37° 16' 52" by West Longitude 87° 06' 06".


2. Kentucky RSA #3 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 15th day of June, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director, Acting