

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. 92-122  
NECESSITY TO CONSTRUCT A CELLULAR CELL )  
SITE IN LEITCHFIELD 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 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 Cellular has requested authorization to construct a cell site in Leitchfield, Kentucky. Kentucky Cellular was previously granted authority to operate a cellular radio telecommunications system in RSA No. 3 in Case No. 90-307.<sup>1</sup>

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<sup>1</sup> 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, 400 feet or less, to be located on the Annetta Route, Leitchfield, Kentucky ("the Leitchfield site"). The coordinates for the Leitchfield site are North Latitude 37° 27' 33" by West Longitude 86° 17' 42".

Kentucky Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Leitchfield 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 Leitchfield cell site's construction is exempt from local zoning ordinances. Kentucky 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 Leitchfield cell site. Kentucky Cellular has received approval from the FCC and the FAA, with the FAA reducing the tower height to 330 feet. The KAZC filing is still pending.

Kentucky Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the Leitchfield 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. No comments or requests to intervene were received.

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


IT IS THEREFORE ORDERED that:

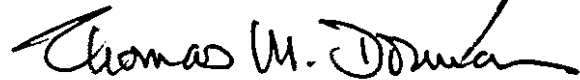
1. Kentucky RSA #3 Cellular General Partnership be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 400 foot or less guyed cellular radio telecommunications antenna tower in RSA No. 3 to be located on the Annetta Route, Grayson County, Leitchfield, Kentucky. The coordinates for the Leitchfield site are North Latitude 37° 27' 33" by West Longitude 86° 17' 42".


2. Kentucky RSA #3 Cellular General Partnership 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