

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. 92-131
NECESSITY TO CONSTRUCT A CELL SITE IN)
IN RURAL SERVICE AREA #3 (MEADE) OF THE)
COMMONWEALTH OF KENTUCKY)

O R D E R

On March 30, 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 Morgantown, Kentucky. Kentucky 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, 400 feet or less, to be located at 710 Old Woodbury Road, Morgantown, Kentucky ("the Morgantown site"). The coordinates for the Morgantown site are North Latitude 37° 08' 47" by West Longitude 86° 39' 02".

Kentucky RSA #3 Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Morgantown 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 Morgantown 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 Morgantown cell site. Kentucky RSA #3 Cellular has received approval from the FCC and the FAA, while 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 Morgantown 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 a protest letter on May 4, 1992 from Kelly Chapman. Kentucky RSA #3 Cellular was ordered by the Commission

to respond to Ms. Chapman's letter and the Commission also informed Ms. Chapman of her right to intervene within 20 days. To date, no intervention request has 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 Morgantown 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 400 foot or less guyed cellular radio telecommunications antenna tower in RSA No. 3 to be located at 710 Old Woodbury Road, Butler County, Morgantown, Kentucky. The coordinates for the Morgantown site are North Latitude 37° 08' 47" by West Longitude 86° 39' 02".

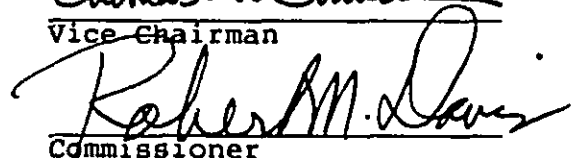
2. Kentucky RSA #3 Cellular shall file a copy of the final decision regarding its pending KAZC application for this cell site construction, within 10 days of receiving this decision.

Done at Frankfort, Kentucky, this 11th day of June, 1992.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director, Acting