

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of the Application:

ALPHA CELLULAR TELEPHONE COMPANY,)	
A FLORIDA GENERAL PARTNERSHIP FOR)	
THE ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	
FOR THE OPERATION AND CONSTRUCC-)	
TION OF A CELL SITE SO AS TO)	CASE NO. 92-225
ENLARGE THE COVERAGE OF THE)	
KENTUCKY RURAL SERVICE AREA,)	
WHICH INCLUDES ELLIOTT, LAWRENCE,)	
MORGAN, MAGOFFIN JOHNSON, MARTIN,)	
FLOYD AND PIKE COUNTIES)	

O R D E R

On May 27, 1992, Alpha Cellular Telephone Company ("Alpha Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna tower in Rural Service Area No. 9 ("RSA No. 9"). RSA No. 9 includes Elliott, Floyd, Johnson, Lawrence, Magoffin, Martin, Morgan and Pike counties. Alpha Cellular has requested authorization to construct a cell site in Floyd County. Alpha Cellular was previously granted authority to operate a cellular radio telecommunications system in RSA No. 9 in Case No. 91-377.¹

¹ Case No. 91-377, Application of Alpha Cellular Telephone Company, a Florida General Partnership, for the Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Radio Telecommunications Service to the Public in the Kentucky Rural Service Area Which Includes Elliott, Lawrence, Morgan, Magoffin, Johnson, Martin, Floyd and Pike Counties in Kentucky, for Approval of Financing, and for Establishment of Initial Rates.

The proposed cell site consists of a 500 foot or less guyed antenna tower to be located approximately 1.2 miles southeast of Allen, Kentucky ("the Allen Cell Site"). The coordinates for the Allen site are North Latitude 37° 36' 05" by West Longitude 82° 43' 05".

Alpha Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Allen Cell Site. Based upon the application, the tower and foundation design appear to meet the criteria of the Building Officials and Code Administration International, Inc. National Building Code, with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Allen Cell Site construction is exempt from local zoning ordinances. Alpha 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 Allen Cell Site. Alpha Cellular has received approval from the FCC and FAA, while the KAZC application is still pending.

The Allen Cell Site is situated such that there are no residents and/or land owners within 500 feet of the proposed site, other than the lessor. Alpha Cellular supports this in its application.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Alpha Cellular

should be granted a Certificate of Public Convenience and Necessity to construct and operate and the Allen Cell Site in RSA No. 9 under its previously approved.

IT IS THEREFORE ORDERED that:


1. Alpha Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 500 foot or less guyed cellular radio telecommunications antenna tower in RSA No. 9 to be located approximately 1.2 miles southeast of Allen, Kentucky. The coordinates for the Allen Site are North Latitude $37^{\circ} 36' 05''$ by West Longitude $82^{\circ} 43' 05''$.

2. Alpha 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 16th day of July, 1992.


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director