

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 AN ADDITIONAL ) CASE NO. 92-374  
CELL FACILITY IN THE LOUISVILLE, )  
KENTUCKY METROPOLITAN STATISTICAL AREA )  
(WORTHINGTON CELL FACILITY) )

O R D E R

On August 31, 1992, Central Kentucky Cellular Telephone Company ("Central Kentucky Cellular") filed an application seeking authority to construct and operate an additional cellular radio telecommunications antenna monopole in the Louisville Metropolitan Statistical Area ("Louisville MSA"). The Louisville MSA includes Bullitt, Jefferson, and Oldham counties of 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 radio telecommunications system in the Louisville MSA in Case No. 10169.<sup>1</sup>

The proposed cell site consists of a monopole, with attached antennas, not to exceed 198 feet in height and an equipment shelter to be located at 8708 Brownsboro Road (Kentucky 22), Louisville,

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<sup>1</sup> 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.

Jefferson County, Kentucky (the "Worthington cell site"). The coordinates for the Worthington cell site are North Latitude 38° 18' 07" by West Longitude 85° 35' 17".

Central Kentucky Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Worthington 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 Worthington 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 proposed construction. Central Kentucky Cellular filed an application with the Federal Aviation Administration seeking approval for the construction and operation of the Worthington cell site. The application was approved.

Central Kentucky Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the Worthington cell site has been notified of the pending construction. The notice solicited any comments and informed the property owner and/or resident of his right to intervene. Several protest letters were received from property owners and/or residents regarding the proposed construction. Central Kentucky Cellular was ordered to respond to each property owner's concern. After

reviewing Central Kentucky Cellular's responses, all protestors withdrew their objections.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, Central Kentucky Cellular should notify the Commission if it does not use this antenna tower to provide cellular radio telecommunications services in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by Central Kentucky Cellular.

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 Worthington cell site in the Louisville MSA under its previously approved tariff.

IT IS THEREFORE ORDERED that:

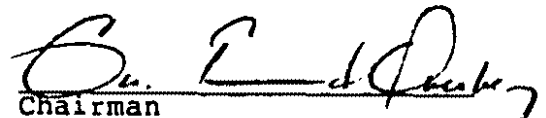
1. Central Kentucky Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a cellular radio telecommunications antenna monopole, not to exceed 198 feet in height, in the Louisville MSA to be located at 8708 Brownsboro Road (Kentucky 22), Louisville, Jefferson

County, Kentucky, referred to as the Worthington cell site. The coordinates for the Worthington cell site are North Latitude 38° 18' 07" by West Longitude 85° 35' 17".

2. Central Kentucky Cellular shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 28th day of January, 1993.

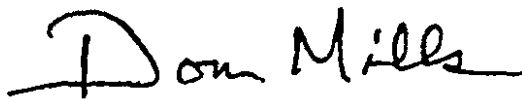
PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director