

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

ALPHA CELLULAR TELEPHONE COMPANY, A FLORIDA)
GENERAL PARTNERSHIP, FOR THE ISSUANCE OF)
A CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY FOR THE OPERATION AND CONSTRUCTION)
OF A CELL SITE SO AS TO ENLARGE THE COVERAGE) CASE NO. 93-034
OF THE KENTUCKY RURAL SERVICE AREA WHICH)
INCLUDES ELLIOTT, LAWRENCE, MORGAN, MAGOFFIN,)
JOHNSON, MARTIN, FLOYD AND PIKE COUNTIES IN)
KENTUCKY)

O R D E R

On February 19, 1993, 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 Johnson County. Alpha Cellular was previously granted authority to operate a cellular radio telecommunications system in RSA No. 9 in Case No. 91-377.¹

The proposed cell site consists of a 200-foot or less self-supporting antenna tower to be located off U.S. Highway 23 on top

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.

of Burnt Cabin Mountain, approximately 1.3 miles southwest of Paintsville, Kentucky ("the Paintsville cell site"). The coordinates for the Paintsville cell site are North Latitude 37° 47' 18" by West Longitude 82° 49' 12".

Alpha Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Paintsville cell site. Based upon the application, the tower and foundation design appears to meet the criteria of the Building Officials and Code Administrators International, Inc. National Building Code with reference to earthquakes, winds, and tornadoes.

Pursuant to KRS 100.324(1), the Paintsville cell site construction is exempt from local zoning ordinances. Alpha Cellular has filed an application with and received approval from the Federal Communications Commission. Approvals from the Federal Aviation Administration and the Kentucky Airport Zoning Commission for the construction and operation of the Paintsville cell site are not required as the tower height will not exceed 200 feet.

Alpha Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the Paintsville cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners and/or residents of their right to intervene. To date, no intervention requests have been received.

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, Alpha 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 Alpha Cellular.

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 the Paintsville cell site in RSA No. 9 under its previously approved tariff.

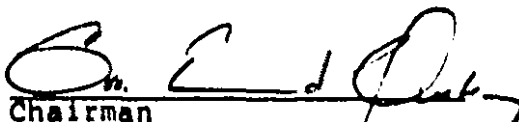
IT IS THEREFORE ORDERED that:


1. Alpha Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site consisting of a 200-foot or less self-supporting antenna tower to be located off U.S. Highway 23 on top of Burnt Cabin Mountain, approximately 1.3 miles southwest of Paintsville, Johnson County, Kentucky. The coordinates for the proposed cell site are North Latitude 37° 47' 18" by West Longitude 82° 49' 12".
2. Alpha 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 24th day of March, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director