

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF UNITED STATES CELLULAR)	
OPERATING COMPANY OF OWENSBORO FOR A)	
CERTIFICATE OF PUBLIC CONVENIENCE AND)	
NECESSITY TO CONSTRUCT A CELL SITE IN)	CASE NO. 93-196
THE OWENSBORO METROPOLITAN STATISTICAL)	
AREA AT 2305 PARRISH AVENUE, OWENSBORO,)	
KENTUCKY)	

O R D E R

On May 24, 1993, United States Cellular Operating Company of Owensboro ("US Cellular") filed an application seeking a Certificate of Public Convenience and Necessity to build and operate a cellular radio telecommunications system for the Owensboro Metropolitan Statistical Area ("Owensboro MSA"). The Owensboro MSA includes Henderson and Daviess counties. US Cellular has requested authorization to construct a cell site in Daviess County. US Cellular was previously granted authority to operate a cellular radio telecommunications system in the Owensboro MSA in Case No. 10286.¹

The proposed cell site consists of a 330-foot or less self-supporting tower to be located at 2035 East Parrish Avenue,

¹ Case No. 10286, Application of Kentucky Cellular, Inc. for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Cellular Radio Telecommunications Service to the Public in the Owensboro, Kentucky, Metropolitan Statistical Area, and for Establishment of Initial Rates. Kentucky Cellular, Inc. subsequently changed its name to United States Cellular Operating Company of Owensboro (January 31, 1990.)

Owensboro, Kentucky ("the Owensboro cell site"). The coordinates for the Owensboro cell site are North Latitude 37° 45' 44" by West Longitude 87° 04' 48".

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

Pursuant to KRS 100.324(1), the Owensboro cell site construction is exempt from local zoning ordinances. US Cellular has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") for the Owensboro cell site. Approval has been received from the FAA while the KAZC decision is still pending.

US Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the Owensboro 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, US 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 the removal of the unused antenna tower, which should be observed by US Cellular.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that US Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the proposed cell site in the Owensboro MSA under its previously approved tariff.

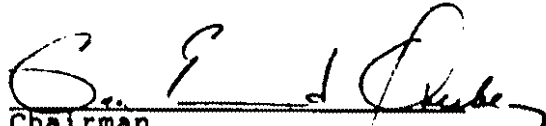
IT IS THEREFORE ORDERED that:

1. US Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate the Owensboro cell site consisting of a 330-foot or less self-supporting antenna tower to be located at 2035 East Parrish Avenue, Daviess County, Kentucky. The coordinates for the proposed cell site are North Latitude 37° 45' 44" by West Longitude 97° 04' 48".

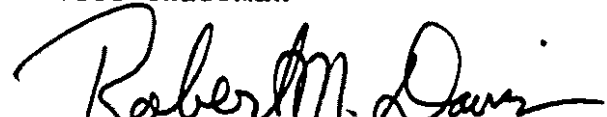
2. US Cellular shall file a copy of the final decision regarding its pending KAZC application for the Owensboro cell site within 10 days of receiving said decision.

Done at Frankfort, Kentucky, this 13th day of July, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director