

COMMONWEALTH OF KENTUCKY  
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

|                                      |   |                 |
|--------------------------------------|---|-----------------|
| APPLICATION OF KENTUCKY CGSA, INC.   | ) |                 |
| FOR ISSUANCE OF A CERTIFICATE        | ) |                 |
| OF PUBLIC CONVENIENCE AND NECESSITY  | ) |                 |
| TO CONSTRUCT AN ADDITIONAL CELL SITE | ) |                 |
| IN BATH COUNTY, KENTUCKY FOR THE     | ) | Case No. 93-206 |
| PROVISION OF DOMESTIC PUBLIC         | ) |                 |
| CELLULAR RADIO TELECOMMUNICATIONS    | ) |                 |
| SERVICE TO THE PUBLIC IN KENTUCKY    | ) |                 |
| RURAL SERVICE AREA NO. 8             | ) |                 |

O R D E R

On June 3, 1993, Kentucky CGSA, Inc. ("Kentucky CGSA") 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. 8 ("RSA No. 8"). RSA No. 8 includes Bath, Bracken, Fleming, Lewis, Mason, Menifee, Montgomery, Nicholas, Robertson and Rowan counties. Kentucky CGSA has requested authorization to construct a cell site in Bath County. Kentucky CGSA was previously granted authority to operate a cellular radio telecommunications system in RSA No. 8 in Case No. 92-038.<sup>1</sup>

The proposed cell site consists of a 400-foot self-supporting antenna tower to be located approximately 0.05 mile north of the

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<sup>1</sup> Case No. 92-038, Application of Kentucky CGSA, Inc., a Georgia Corporation, for Issuance of a Certificate of Public Convenience and Necessity to Provide Domestic Public Cellular Telecommunications Service to the Public a Portion of Kentucky Rural Service Area No. 8 Which Includes Bracken, Mason, Robertson, Lewis, Fleming, Nicholas, Bath, Rowan, Montgomery and Menifee Counties in Kentucky.

intersection of Interstate 64 and State Highway 36 in Owingsville, Bath County, Kentucky ("the Owingsville cell site"). The coordinates for the Owingsville cell site are North Latitude 38° 06' 04" by West Longitude 83° 45' 04".

Kentucky CGSA has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Owingsville cell site. Based upon the application, the design of the tower and foundation 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 Owingsville cell site's construction is exempt from local zoning ordinances. Kentucky CGSA has filed applications with and received approvals from the Kentucky Airport Zoning Commission and the Federal Aviation Administration for the construction and operation of the Owingsville cell site.

There are no property owners, other than the lessor, located within 500 feet of the Owingsville cell site. Kentucky CGSA was not required to send out property notices, and 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, Kentucky CGSA 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 Kentucky CGSA.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that Kentucky CGSA should be granted a Certificate of Public Convenience and Necessity to construct and operate the Owingsville cell site in RSA No. 8 under its approved tariff.

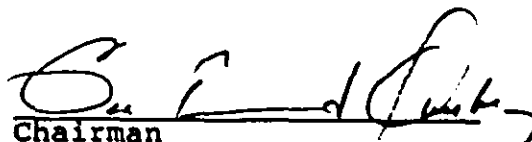
IT IS THEREFORE ORDERED that:

1. Kentucky CGSA be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 400-foot or less self-supporting cellular radio telecommunications antenna tower in RSA No. 8 to be located approximately 0.05 mile north of the intersection of Interstate 64 and State Highway 36 in Owingsville, Bath County, Kentucky. The coordinates for the Owingsville cell site are North Latitude 38° 06' 04" by West Longitude 83° 45' 04".

2. Kentucky CGSA 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 July, 1993.

PUBLIC SERVICE COMMISSION

  
Chairman

  
Vice Chairman

  
Commissioner

ATTEST:

  
Executive Director