

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

APPLICATION OF PC CELLULAR OF KENTUCKY,)	
L.P. FOR ISSUANCE OF A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY TO)	CASE NO.
CONSTRUCT A CELL SITE IN RURAL SERVICE)	93-218
AREA #1 (BALLARD) OF THE COMMONWEALTH OF)	
KENTUCKY)	

O R D E R

On August 16, 1993, PC Cellular of Kentucky, L.P. ("PC Cellular") 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. 1 ("RSA No. 1"). RSA No. 1 includes Ballard, Calloway, Carlisle, Fulton, Graves, Hickman, McCracken, and Marshall counties. PC Cellular has requested authorization to construct a cell site in Ballard County. PC Cellular was previously granted authority to operate a cellular radio telecommunications system in RSA No. 1 in Case No. 91-310.¹

The proposed cell site consists of a 280-foot or less guyed antenna tower to be located at Route 1, LaCenter, Ballard County, Kentucky ("the Ballard cell site"). The coordinates for the Ballard cell site are North Latitude 37° 02' 52" by West Longitude 88° 54' 47".

¹ Case No. 91-310, Application of PC Cellular of Kentucky, L.P. ("PC Cellular") for: (1) Issuance of a Certificate of Public Convenience and Necessity; (2) Approval of Financing; and (3) Establishment of Initial Rates and Tariffs.

PC Cellular has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the Ballard 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 Ballard cell site's construction is exempt from local zoning ordinances. PC Cellular has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the Ballard cell site. PC Cellular has received an approval from the FAA, while the KAZC application is still pending.

PC Cellular has filed notices verifying that each property owner and/or resident within 500 feet of the Ballard cell site has been notified of the pending construction. The notice solicited any comments and informed the property owners and 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, PC Cellular should notify the Commission if it does not use this antenna tower to provide cellular radio tele-

communications 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 PC Cellular.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that PC Cellular should be granted a Certificate of Public Convenience and Necessity to construct and operate the Ballard cell site in RSA No. 1 under its previously approved tariff.

IT IS THEREFORE ORDERED that:

1. PC Cellular be and it hereby is granted a Certificate of Public Convenience and Necessity to construct and operate a 280-foot or less guyed cellular radio telecommunications antenna tower in RSA No. 1 to be located at Route 1, Ballard County, LaCenter, Kentucky. The coordinates for the Ballard site are North Latitude 37° 02' 52" by West Longitude 88° 54' 47".

2. PC 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.

3. PC 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 1st day of October, 1993.

PUBLIC SERVICE COMMISSION

Sec. E. L. Fink
Chairman

Robert M. Davis
Vice Chairman

Linda K. Breathitt
Commissioner

ATTEST:

Don Mills
Executive Director